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# NEW REALITIES OF CHILD TRAFFICKING IN THE LIGHT OF RUSSIAN AGGRESSION AGAINST UKRAINE AND THE EXPANSION OF INFORMATION AND COMMUNICATIONS TECHNOLOGIES: EXAMPLES OF HUNGARY AND ROMANIA

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## ABSTRACT

This article considers steps taken to combat trafficking in children in Hungary and Romania in the context of two new realities: a) ongoing conflict in Ukraine and b) the rise of Information and Communication Technologies (ICT) as a tool of traffickers. Briefly outlining the global context of trafficking in persons, the article then looks at trafficking in children within Hungary and Romania and recent actions taken by Hungarian and Romanian authorities to strengthen their response to this crime. Acknowledging that positive steps have been taken, the article concludes that there is still more to be done to decrease children's vulnerability to trafficking and to ensure that child trafficking is effectively investigated and prosecuted.

**Keywords:** *trafficking in persons, trafficking in children, child friendly justice, Romania, Hungary, Ukraine, ICT.*

## INTRODUCTION

Images of millions of persons fleeing Ukraine following the invasion by Russia in February 2022 raised concerns of a rapid rise in trafficking within Europe<sup>4</sup>. Conflict is well recognised as increasing vulnerability to trafficking<sup>5</sup> and

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<sup>5</sup> The 2014 conflict in Ukraine quadrupled the number of Ukrainian victims of trafficking detected in Western Europe in 2016. (UNODC, 2022: 52-57)



trafficking in persons networks already “deeply entrenched” within Ukraine before 2022<sup>6</sup>. Many Ukrainian refugees sought and found refuge in nearby Romania and Hungary which, like Ukraine, considered by the US State Department to be countries in which minimum standards for the elimination of trafficking have not yet been achieved (US State Department, 2023).

This article examines child trafficking and state responses to child trafficking in Hungary and Romania in light of two new realities. The first is the presence of large numbers of Ukrainian refugees, mostly women and children with concerns raised by some organisations that as Ukrainian refugees are “phased into the ‘normal’ economy”, their vulnerability to trafficking countries in which they have sought and obtained refuge may increase (GI-TOC, 2023). The second being the rapid rise of online and digital communication in the trafficking and exploitation of children.

### GLOBAL VIEW OF CHILD TRAFFICKING

UNODC reports that worldwide, between 2017-2020, 187,915 victims of trafficking were detected, 46,104 persons were prosecuted for trafficking in persons and a far smaller number, 19,495 persons, were convicted. The true numbers of victims may be much higher (UNODC, 2022: 11). In 2018 according to UNICEF, children accounted for almost one third of all detected trafficking victims globally (UNICEF, 2018). While globally there is a trend towards the identification of increasing numbers of male victims, women and girls accounted for 60% of the identified victims in 2020.

Within Central and South-Eastern Europe (including Hungary and Romania) almost three quarters of identified victims in 2020 were female (women and girls) with the majority trafficked for sexual exploitation. UNODC reported in 2023 that domestic trafficking (e.g. trafficking within the borders of a country) was a significant issue with most victims of domestic trafficking being women or girls trafficked for sexual exploitation and most trafficking for sexual exploitation detected in visible or public locations as more hidden forms of exploitation can be difficult to detect (UNODC, 2022: 134–142).

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<sup>6</sup> Ukraine was a source, transit and destination point for human trafficking. Between 2019-2021, an estimated 46,000 Ukrainians were trafficked within Ukraine and 29,000 trafficked abroad. It was one of the largest countries of origin for persons subject to forced labour in Europe. Ukrainian women were trafficked for sexual exploitation – mostly abroad. Between 2019–21, an estimated 46,000 Ukrainians were trafficked within Ukraine and 29,000 trafficked abroad. Children were at particular risk of being trafficked as Ukraine had among the highest rates of children in state-run orphanages in Europe; it was reported that some children in state care were trafficked (in some cases with the complicity of state officials). Prior to the 2022 Russian invasion extensive trafficking structures were thus already in place.

See – GI-TOC, 2023: 8

Trafficking in persons is a crime which may be committed either domestically, within the borders of a country or cross-border. As defined by Article 3(a) of the Optional Protocol to the UN Convention on Transnational Organised Crime, trafficking in persons is:

*The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.*

In respect of children, Article 3(c) of the protocol provides that: “The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article”.

Trafficking is a crime which preys on those who are most vulnerable whether as a result of conflict, poverty, lack of education or other reasons (UNODC, 2022: 10). In March 2022 the UN Secretary General observed that “for predators and human traffickers, war is not a tragedy – it is an opportunity” (UNODC, 2022: 52). Trafficking is also a crime characterised by its adaptability. With the growth of online and digital technology, traffickers have increasingly used these means. A recent UNODC working group paper identified that traffickers are using technology at every step of the crime, from identifying future victims and recruiting them to laundering the proceeds of the exploitation and observed that some trafficking activities have moved almost completely online, simultaneously reducing the risk of being detected by law enforcement and increasing profitability (UNODC, 2021).

Efforts to combating trafficking include steps taken by multiple organisations at global, regional (for example, in Europe by the European Union and the Council of Europe) and at national level. This article focuses on steps taken at national level in Hungary and Romania.

### THE EXAMPLE OF HUNGARY

Hungary is a source and transit country when it comes to sexual exploitation of girls and woman and a source country for labour trafficking of man and woman (EC, 2023 – *Hungary*). Hungary is among the top three countries by number of trafficking victims proportionate to population size (1 in every 59,242) (EC, 2022 – *Report*). In 2015–2016, out of 1,310 child victims of trafficking registered in the

EU, 647 were of Hungarian nationality, 86% of which were girls (EC, 2018). The most prevalent form of child trafficking is exploitation for sexual purposes (Idem). Marginalised children living in poverty with low socioeconomic status are at increased risk of falling victims of exploitation (ECPAT, 2021). Children removed from their families and living in institutional setting are also particularly vulnerable (Baracsi et al, 2015). Roma children are disproportionately represented in these settings (LUMOS, 2020).

According to 2022 Hungarian criminal statistics, 28 children were registered as victims of human trafficking or forced labour, 24 as victims of exploitation of children in prostitution, four as victims of procuring for sexual purposes<sup>7</sup>. The relatively low number of identified victims is a continuous issue and reflects a high level of latency (GRETA, 2019), insufficient, fragmented, and uncoordinated data collection. The latency rate for child labour and forced begging is even higher, with almost no data available in the country.

As an indicator of the prevalence of online sexual abuse, the 2022 statistics of the Internet Hotline shows that out 2,758 reports they received, more than 50 percent were linked to child sexual abuse material (National Media and Information Communication Authority, 2023). The Hotline has seen an increase in the number of reports on online sexual exploitation of children, with more and more related to self-generated materials depicting children in their own bedroom, surrounded by personal belongings. This data corresponds to relevant criminal statistics. In 2021, 244 children have fallen victim of child pornography, in 2022 this number rose to 266, while in early September 2023 this number already surpassed 340<sup>8</sup>.

Policy attention shifted to the phenomena as a response to devastating statistics, existing trends and vulnerabilities and Hungary undoubtedly strengthened its law enforcement, identification, and victim support engagement. While substantial progress has been made, recent years' Trafficking in Persons (TIP) reports still highlight that the country's efforts are falling short of the minimum standards (US State Department, 2022 – *Hungary*). The 2023 TIP report points out that further improvements on the area of victim identification and assistance is still crucial (US State Department, 2023 – *Hungary*).

In Hungary, the Deputy State Secretariat on European Union and International Matters operates the National Coordination Mechanism (NCM) and ensures cooperation between various governmental and religious and non-governmental organisations involved in the fight against trafficking, through e.g. operating helplines, crisis lines, state-subsidized shelters for survivors or providing other psychosocial and support services (Ministry of Interior).

Government Decree 1046/2020 (II.18.) adopted the National Strategy for Combating Trafficking in Human Beings for 2020-2023 and the action plan for its

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<sup>7</sup> BSR (bm.hu)

<sup>8</sup> *Idem*.

implementation for 2020–2021. The 2022–2023 action plan is aligned with the priorities set out in the EU’s anti-trafficking strategy. The strategy aims to tackle the phenomena, align and coordinate prevention, identification, protection, law enforcement and victim support effort. There is no strategy in place targeting specifically children, however 5 out of 18 objectives of the strategy explicitly target child survivors and outline child-specific processes and coordination, however none address the improving efficiency of prosecuting perpetrators.

The relevant Hungarian legislative environment went through several changes in the past years. International monitoring and oversight mechanisms have commended the progress, while continuously flag that there is still substantial work to be done (GRETA, 2019).

In July 2020, a legislative amendment package entered into force, which was welcomed both domestically and internationally. Act V of 2020 amended the Infringement Act, the Criminal Code, the Child Protection Act and the Act on Organised Crime and introduced several important provisions.

A significant improvement is the de-penalisation of child victims of sexual exploitation. Prior to the 2020 amendments, children offering sexual services without complying with the necessary provisions (e.g. working out of tolerance zones) were treated as perpetrators violating the prohibition on offering sexual services and were fined. After non-payment, the sanction was converted into imprisonment. The amendment introduced a complete shift in approach and established the concept of *‘suspected victim of human trafficking’*. Instead of sanctions and imprisonment the police must now apply general child protection measures such as placing the child in a special children’s home designated for this purpose. According to a summary of the 2023 National Conference of the child protection professionals, since the entry into force of the new measure, nearly 50 children have been identified as suspected victims of human trafficking and placed in designated institutions under this mechanism (Ministry of Interior, 2023). The Misdemeanour Working Group stressed that there is still no clear response and referral mechanism in place and the placement of child victims in care homes was merely a quick fix, providing only temporary solution for children without addressing the root causes (Hintalovon, 2021).

In recent years, several factors have contributed to a shift in mindset on the law enforcement side and by the end of 2021 these have already manifested in quantifiable results (Windt, 2022). At the National Police Headquarters, instructions and internal norms were adopted to shape uniform practice; simultaneously within the organisation of the prosecution and the courts, statements and guidelines contain the principles and practices to be followed in trafficking cases. In Autumn 2019, a human trafficking line manager was appointed at the Criminal Directorate General of the National Police Headquarters, whose task is to direct the work of the human trafficking line managers also appointed at the county (capital) police headquarters and ensure their continuous training (GRETA, 2019).

There have been challenges relating to criminal legislation. The offences of a) child exploitation in prostitution and b) child trafficking for sexual purposes have many overlapping components, creating difficulty in distinguishing between the crimes, deciding upon applicable provisions, and therefore hampering prosecution efforts (ECPAT, 2022). After the October 2018 adoption of the guideline ongoing cases had to be revised and reclassified according to the guidelines if the elements of human trafficking were met (Bárándy, 2019).

The 2022 report of the Curia's Judicial Practice Analysis Group on Trafficking in Human Beings responded to the same issue. The report highlights that in a significant number of cases the correct qualification of the criminal act was human trafficking rather than exploitation in prostitution. These cases should have been qualified as the crime of trafficking resulting in more severe penalty for the perpetrator, since the necessary elements were present, but the courts failed to address these.

These efforts by the police, the prosecution and the courts are progressive. The internal guidelines and training system will assist law enforcement and judicial professionals to acquire the necessary knowledge and skills to deal with trafficking cases and give them guidance on the correct interpretation and application of the law.

In the past years, new aggravating factors have emerged contributing to and shaping the ongoing trends in trafficking of children in Hungary. One of these factors is the Russian military aggression in Ukraine, and thus the mass influx of vulnerable people, primarily woman and children arriving to or crossing Hungary. With regard to the more than 2.5 million refugees crossing Hungary no cases of human trafficking or child pornography have been formally identified (Hintalovon, 2023).

A great portion of refugees from Ukraine residing in Hungary are Hungarian speakers Romani children, arriving from Transcarpathia, who were already at risk of discrimination and social exclusion in Ukraine (Cahn, 1997). Romani refugee children face additional barriers due to discrimination which impacts their social inclusion. The influx of vulnerable population shed light on already existing systemic challenges and shortcomings, and showcased that Hungary's child protection, asylum care and social system is not equipped to address and respond to crisis.

The increased use of digital and info communication technologies, partly as a result of to the COVID-19 also has substantial effect. Global trends identified in the early stages of the pandemic showed that as a result of restrictive measures, school closures and travel restrictions both children and perpetrators spent more time online. This has increased the exposure of children to online risks. As INTERPOL's Secretary General stated, the numbers are devastating – however the reality and worry is that even these are only the “tip or the iceberg” in terms of online child exploitation material (Interpol, 2020).



### THE EXAMPLE OF ROMANIA

In Romania, the critical task of addressing trafficking in persons is entrusted to the National Agency Against Trafficking in Human Beings<sup>9</sup> (Agenția Națională Împotriva Traficului de Persoane), operating under the umbrella of the Ministry of Internal Affairs. Recognising that trafficking in persons predominantly manifests as a form of organised crime, the Directorate for the Investigation of Organised Crime and Terrorism Offences<sup>10</sup> (Direcția de Investigare a Infracțiunilor de Criminalitate Organizată și Terorism) is a pivotal authority in Romania, dedicated to the thorough investigation and prosecution of such cases. Working in tandem with this vital unit is the Combating Organised Crime Department<sup>11</sup> (Direcția de Combatere a Criminalității Organizate) within the Romanian Police, further bolstering Romania's comprehensive approach to combating this criminal activity.

In the broader European context, Romania has found itself facing a challenging scenario, as highlighted by the European Commission's data (EC, 2022 – *Report*). Among EU nations, Romania stands as the fourth ranked country in terms of the number of trafficking victims relative to its population size, with a disturbing statistic of 33 victims per 100,000 inhabitants. This ranking places Romania in the company of the Netherlands, Austria and Cyprus, underscoring the gravity of the issue.

The prevalence of sexual exploitation as the primary form of trafficking across Europe adds another layer of complication to the situation. Worryingly, Romania holds the top spot in the EU when it comes to the highest number of female victims of sexual exploitation, totalling 901 individuals, emphasising the urgent need for comprehensive measures to addressing this issue.

Furthermore, the data reveals that Romania ranks as the third country with the highest number of registered child victims, following France and Italy. With 582 registered cases, Romania faces a concerning challenge in protecting its vulnerable youth in the face of such crime.

It is deeply worrying to note that sexual exploitation, including child pornography, accounted for a staggering 72% of the victims of trafficking identified in Romania 2020 (EC, 2023 – *Romania*). These statistics serve as a sobering reminder of the pressing need for enhanced efforts to combat human trafficking and protect the rights of those affected.

When examining the traffickers, Romania's position in the European landscape merits closer regard:

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<sup>9</sup> Agenția Națională Împotriva Traficului de Persoane – MINISTERUL AFACERILOR INTERNE (gov.ro)

<sup>10</sup> Direcția de Investigare a Infracțiunilor de Criminalitate Organizată și Terorism – Prima pagină (diicot.ro)

<sup>11</sup> Poliția Română – Direcția de Combatere a Criminalității Organizate (politiaromana.ro)

- ❖ In terms of the number of nationals suspected of involvement in trafficking in human beings, Romania ranks as the third country, with 1,254 individuals under suspicion. While this ranking places Romania behind Italy and France, both Italy and France are much more populated countries than Romania, emphasising the need for vigilance and proactive measures.
- ❖ Notably, Romania is the second-ranked country in Europe when it comes to the number of nationals prosecuted for trafficking in human beings, with a figure of 956 cases. Only France surpasses Romania in this aspect.
- ❖ Furthermore, Romania occupies the second position among European nations regarding the number of nationals convicted of trafficking in human beings, with 550 individuals held accountable for their actions. This places Romania in close competition with France.

According to both the US State Department of State (2022) and the European Commission (2023), Romania continues to hold the status of being a primary source country for both sex trafficking and labour trafficking in Europe. Furthermore, the statistics reveal that domestic trafficking remains a distressing issue within Romanian borders. In 2020, 321 victims, especially children, endured exploitation within the country.

A recent study conducted by eLiberare (2023), a Romanian NGO fighting against trafficking in persons, shed light on the perceptions and opinions of teenagers and young people. This study revealed a lack of awareness among teenagers and young people of the risks posed by *cyberspace* in relation to trafficking in persons. Of particular concern is the rising trend of "Loveboy," a method where manipulative individuals seduce young and vulnerable girls and boys over an extended period, ultimately subjecting them to sexual exploitation.

The study uncovered that only a small fraction of respondents fully understood the dangers inherent to cyberspace in the context of human trafficking. In this sense, 39% of respondents expressed a willingness to travel abroad to meet their partner within the first six months of a relationship, a behaviour that can put them at risk. Furthermore, 37% of respondents believed that engaging in online conversations with strangers posed no significant danger. These findings highlight the urgent need for comprehensive education and awareness campaigns to safeguard the vulnerable youth of Romania against the ever-evolving tactics of traffickers.

It is essential to recognize the progress made by Romania. One of the noteworthy improvements that Romania has made in the battle against human trafficking is reflected in the *country's legislative reforms*. In 2020, Romania's commitment to combating this crime was highlighted by significant amendments to its Criminal Code, marking a necessary step forward in strengthening the anti-trafficking legislative framework.

These key changes included:

- ❖ *Increased Minimum Punishment for Trafficking in Minors:* Romania raised the minimum punishment for this crime of trafficking in minors from 3 to 5 years.
- ❖ *Aggravating Factors for Trafficking in Minors:* The legislation supplemented the aggravating factors associated with the crime of trafficking in minors. These factors now include instances where the perpetrator is a family member or someone living with the victim, or when the perpetrator held a position of trust, authority, or responsibility over the minor. Additionally, it considers situations where the minor's vulnerability is caused by mental or physical disabilities, dependence, incapacity, or other similar circumstances.
- ❖ *Statute of Limitations Elimination:* A significant milestone was reached with the elimination of the statute of limitations for the crimes of human trafficking and trafficking in minors.
- ❖ *Enhanced Criminal Liability for Acts of Pimping Against Minors:* The amendments added an additional layer of protection for minors by intensifying criminal liability for acts of pimping committed against them. This increased liability applies when the perpetrator is a family member, someone residing with the victim, or someone entrusted with the care, protection, education, or guardianship of the minor. Furthermore, it extends to cases where the perpetrator has previously committed offenses related to the sexual freedom and integrity of a minor, child pornography, or pimping of a minor.

These legislative changes signify Romania's solid dedication to eradicating human trafficking.

Regarding the evolving situation of *Russian aggression against Ukraine*, as of July 2023, there were 94,916 Ukrainian refugees on the Romanian territory. Among this group, 33% were children, including 16% girls (UNHCR, 2023 – *Dashboard*). Furthermore, 17,000 Ukrainians are entering the borders of Romania daily. UNHCR and its partners are monitoring the borders in Suceava, Galati, Iasi and Timisoara. In 2023 alone, UNHCR has provided training courses on refugee protection to more than 450 officials (UNHCR, 2023 – *Situation Update*). Due to the potential vulnerability of refugees to trafficking, various NGOs have responded to combat this criminal activity. eLiberare, for instance, has deployed the first intervention model – Kompass – for reducing the risks of human trafficking, as a response to the Ukrainian refugee crisis. They also created a Guide – “The Kozak Family learn to keep safe” – to educate Ukrainian children and youngsters to protect themselves from traffickers.

While it is widely known that people on the move are vulnerable to exploitation by traffickers, there is currently no available empirical data that establishes a direct linkage between the Ukrainian refugee crisis and cases of human trafficking in Romania. However, this should be further explored.

## INSTEAD OF CONCLUSIONS

The path toward establishing an efficient, effective and child friendly justice system for child victims of sexual exploitation and abuse is a complex journey encompassing prevention, protection identification, reporting, investigation and effective prosecution.

### Prevention

There is a pressing need both in Romania and Hungary to foster greater attention to preventing and addressing crimes committed against people of Roma ethnicity (Gîrlescu, 2023). It is essential to ensure that justice is equitable for all.

Furthermore, the issue of data collection seems inefficient. Currently, data collection is decentralised, undertaken by various institutions, which leads to limited and irregular publication of critical information (Idem). Embracing more comprehensive and centralised data collection, along with indicator-based assessments, can significantly boost understanding both of the complex crime of trafficking, the effectiveness of steps taken to combat it in Romania and Hungary and facilitate further evidence-based reform as needed.

The ever-developing landscape of trafficking in persons brings new realities. The expansion of information and communications technologies (ICT) and the ongoing conflict in Ukraine demand immediate attention and public awareness (GI-TOC, 2023). By staying informed and proactive, we can better address these emerging challenges.

When it comes to protecting children, we must acknowledge the lack of awareness about sex trafficking (GRETA, 2021). Knowledge is an amazing weapon in combating child trafficking, and there is a need to invest in comprehensive education and awareness programmes. Combatting child sexual exploitation and abuse (CSEA) calls for a comprehensive approach. Combining education, use of technology (preventive measures on online platforms to identify CSEA) and thorough referral mechanisms for both children and caregivers is essential to creating a safer environment.

Online safety is vital in today's digital age and yet many children remain unaware of the various forms sexual abuse can take, underlining the need for comprehensive education. Ensuring that users' ages are verified in the online environment is a crucial step in child protection (ECPAT, 2023).

The negative experiences (ANPDCA, 2021) that many children face online are concerning, emphasising the urgent need for enhanced digital safety measures and vigilant supervision. Moreover, accessibility matters. Online information regarding rights, procedures, or services for child victims of trafficking and other children involved in legal proceedings is not always readily available or accessible to children and there is a need for greater transparency and improved access to these vital resources and information.

In the age of personal smartphones and popular platforms like YouTube, WhatsApp, Instagram, Facebook, and TikTok, there is a notable absence of direct interventions through these channels designed to educate children and youth (C&Y) about risks or to proactively detect CSEA (eLiberare, 2023 – *Study*).

### **Identification**

The lack of knowledge among children and youth about trafficking poses a significant obstacle when it comes to identifying cases of abuse (ANPDCA, 2021). Without a comprehensive understanding of the potential risks, victims may not know themselves that they are being abused or at risk and cannot report abuse when it occurs.

The conflict in Ukraine has also impacted identification of child victims of trafficking. Following the Russian invasion of Ukraine in 2022 and the arrival of Ukrainian refugees in Romania and Hungary, civil society and other stakeholders have understandably shifted their focus toward emergency response efforts (GI-TOC, 2023). While these are undoubtedly vital this shift has, at times, diverted attention and resources away from anti-trafficking initiatives or from identifying new vulnerabilities to trafficking and means of trafficking. Understanding these new realities is important to improving identification efforts.

A significant barrier in our fight against trafficking in person is the need for concrete evidence for the purposes of effective prosecution. The lack of substantial data and information impedes our ability to identify and combat trafficking effectively. Addressing this data gap is paramount in pursuing access to justice for victims.

Lastly, we must recognise the complexity of detecting child sexual exploitation and abuse (ECPAT, 2023). These processes are characteristically difficult, often requiring a combination of awareness, vigilance, and effective reporting mechanisms. The challenges include not only in recognising the signs but also in creating a safe space for children to come forward with their experiences.

### **Reporting**

As already stated, an important factor is the degree of tolerance displayed towards crimes committed against vulnerable communities, such as the Roma community (Gîrlescu, 2023). This tolerance often deters victims from reporting these crimes, as they may fear that their voices will not be heard or that justice may elude them. To combat trafficking, there is a need for an environment in which every individual feels empowered to come forward and report wrongdoing without fear of discrimination or prejudice.

Another significant challenge emerges from heavy reliance on victims' testimony (Sandu, 2019). If the crucial element of victims' testimony is lacking, it

can result in an impasse where justice cannot be served. There is a need for investigative methods and evidence collection techniques that do not solely hinge on the victim's account.

Despite progress, there is still room for improvement when it comes to promoting digital industry-led enhanced safety and safeguarding measures (OSCE, 2022). There is a need to continue championing initiatives that facilitate and strengthen child safety referral services and helplines. These vital resources can serve as lifelines for children in need, offering support, protection and a safe space to turn to when they face adversity.

While campaigns aimed at encouraging better reporting of violence against children, including trafficking, exist, they are not as prevalent or effective as they should be (ANPDCA, 2021). Moreover, the detection of unknown child sexual abuse material (CSAM) and grooming online practices represent an area where there is room to enhance protective measures (ECPAT, 2023). Currently, such detection remains optional, particularly in the private sector. To truly safeguard children, consideration should be given to making these practices mandatory, ensuring a higher level of security and vigilance.

### **Investigation**

Inadequate training, particularly the lack of specialised training for justice professionals, is an evident issue (Gîrlescu, 2023). Justice systems must equip professionals to navigate the complexities of modern-day trafficking, including traffickers use of digital technologies and the increasing reach of social media.

As presented above, a significant obstacle to the effective prosecution of trafficking lies in the insufficiency of children's testimonies (Sandu, 2019). This emphasises the need to for the voices of young victims/survivors to be fully heard and to address the capacity of legal professionals to hear and to ensure that voices of young victims are heard.

Proper spaces for child victims at the police level are essential to facilitate the investigation process (Gîrlescu, 2023). Ensuring that child victims are treated with care, sensitivity, and privacy is paramount to obtaining accurate information and delivering justice. The appointment of pro bono lawyers in a random manner, along with the use of different lawyers for the child in various stages of proceedings, such as the case of Romania, presents challenges in providing consistent support and legal representation.

Effective cooperation and coordination between the numerous authorities and institutions involved in anti-trafficking efforts are integral to success (Hatneanu, 2023). This includes fostering effective cooperation with the private sector. Private companies can play a pivotal role in identifying and combatting exploitation (GRETA, 2021) and there is a need for a smooth exchange of information and resources to combat trafficking systematically.

The growing significance of the cyber sphere in sexual exploitation poses a significant challenge (GI-TOC, 2023). Traffickers can now reach a global marketplace from a fixed location, making both investigation and prosecution more complex. Developing advanced investigative techniques for online recruitment and exploitation is crucial.

### **Prosecution**

One of the foremost concerns is a lack of access to quality legal aid and representation for child trafficking victims, a critical pillar in ensuring that they are able to provide crucial testimony to take advantage of rights provided to child victims under European (EC, 2012) and national law and to seek justice. Also, miscommunication among various authorities and insufficient cooperation and coordination between institutions remain common problems (Girlescu, 2023). Bridging these gaps in communication and collaboration is essential for successful prosecution.

The lengthy trial process and overburdened judges are additional challenges that hinder the prompt delivery of justice (Sandu, 2019). Addressing the backlog of cases and supporting judges affected by a significant volume of work is essential to expedite legal proceedings.

An insufficient number of specialised, trained, and well-resourced investigators and prosecutors remains a critical issue that requires attention and investment (GRETA, 2021). Strengthening the workforce is vital to ensuring that perpetrators of trafficking face prosecution. Ensuring that criminal justice professionals (including police, prosecution and judiciary) have the necessary knowledge and powers in respect of electronic evidence and digital forensic evidence. This expertise is crucial to gather, preserve and share critical information in trafficking cases and to respond to traffickers' use of the online environment to exploit victims.

Trans-border cooperation must also be further improved to effectively combat human trafficking, as traffickers often operate across international boundaries (OSCE, 2022). Collaborative efforts between nations are essential to track and dismantle trafficking networks.

### **Protection**

One evident issue is the system's frequent failure to provide adequate premises and technical support that both prevent further traumatising of victims and ensure efficient investigation (Girlescu, 2023). In respect of the trafficking of children, this underlines the urgent need to prioritise the well-being of victims and for criminal justice systems to become more child-friendly (GRETA, 2021), with a focus on providing support and protection to young victims throughout the legal process.

In general, victims fail to receive adequate support during criminal cases (US State Department, 2022 – *Romania*). It's important to rectify this deficiency and offer comprehensive assistance that contains physical, emotional and legal support. A broader concern lies in a system that often prioritises the anonymity of perpetrators over the rights of victims of sexual abuse (ECPAT, 2023). This misalignment calls for a fundamental shift towards a more victim-centered approach. Situations of intimidation of victims during investigations persist, causing re-victimisation (GRETA, 2021). This deeply concerning issue requires a collaborative effort to protect victims and ensure their voices can be effectively heard. To combat human trafficking, child victims need to be protected by the law and in practice. These safeguards are essential to shield victims from further harm and to facilitate their recovery.

A crucial aspect that often goes overlooked is the absence of separate waiting rooms for victims in police stations, a seemingly small but essential detail that can significantly impact the experience of victims of crime through providing much-needed privacy and comfort. A further challenge lies in the appointment of pro bono lawyers, a process that currently can be random and disjointed. For example, in Romania child victims may be represented by several different legal aid lawyers throughout the course of legal proceedings and such lawyers may lack training in working with children. Consistency and continuity in legal representation for child victims throughout all stages of legal proceedings, is important to provide stability and support for them during court proceedings (Gîrlescu, 2023).

In recent years both Hungary and Romania have taken steps to strengthen their response to trafficking in children. The twin new realities of hosting Ukrainian refugees and the rise of online and digital technology present new challenges to national efforts to combat this crime.

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# EMPOWERING CHILDREN’S RIGHTS: UNVEILING THE IMPACT OF “CLEAR-RIGHTS” FOR QUALITY LEGAL ASSISTANCE

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## ABSTRACT

The CLEAR-Rights project focused on access to justice and child-friendly legal assistance for children suspected or accused of crimes in child justice proceedings. The project’s main objective was to build the capacity of justice professionals and decision-makers in Europe on issues related to quality and specialised government legal aid, and *pro bono* legal assistance for children, especially in the five EU countries where the project was implemented by the following organisations: Terre des hommes Regional Hub in Hungary (Tdh Hungary), Defence for Children International Belgium (DCI Belgium), Alliance of Lawyers for Human Rights (France) (AADH), PILnet (Hungary), Defence for Children ECPAT the Netherlands (DCI-NL) and Terre des hommes Romania (Tdh Romania). Based on the project’s final evaluation, this article draws a brief analysis of the CLEAR-Rights intended results and achieved impact.

**Keywords:** *child justice, children’s rights, legal aid, pro bono legal assistance, child participation.*

## INTRODUCTION

In an environment where the voices of children are all too infrequently heard, that of a young teenager has discovered a fresh resonance. During the final evaluation of “CLEAR-Rights”, designed to draw insights from this two-year journey, she spoke up once again and shared: “*it was so good to feel that the adults were excited to know how you feel as a child. [...] They listened to you and wanted to know your opinion as a child. I felt empowered by the fact that I had something to say!*”

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Within these concise sentences, a child encapsulates the very essence of this project. The power it holds sets the tone for the analysis that unfolds in the subsequent chapters. CLEAR-Rights is a project focused from start to finish on empowering children, both directly and through justice professionals.

Led by Terre des hommes Regional Hub in Hungary<sup>3</sup>, the project “CLEAR-Rights: Enhancing legal assistance and access to justice for children in conflict with the law in Europe” was implemented in partnership with Defence for Children International Belgium<sup>4</sup>, Alliance of Lawyers for Human Rights (France)<sup>5</sup>, PILnet (Hungary)<sup>6</sup>, Defence for Children ECPAT the Netherlands<sup>7</sup> and Terre des hommes Romania<sup>8</sup>. Funded by the European Commission’s Justice Programme (2014-2020), the €855,140.79 project ran from 1 January 2021 to 31 December 2022, spanning Belgium, France, Hungary, the Netherlands, and Romania and neighbouring countries in some activities.<sup>9</sup>

CLEAR-Rights’ main objectives were threefold:

1. Strengthen legal aid and assistance by better equipping legal aid and *pro bono* lawyers to provide quality legal assistance to children suspected or accused of crime;
2. Enhance collaboration by improving cooperation among stakeholders; and
3. Increase awareness among policy makers by advocating for quality and functional legal assistance and legal aid systems for children suspected or accused of crime.

Efforts were diligently expended to attain the objectives. After a laborious yet productive collaboration among the project partners, CLEAR-Rights managed to pinpoint the issue through research, provide lawyers with tools to address the specific concerns of the group of children in conflict with the law, and draw the attention of a considerable number of people on the matter.

These activities included the following: research on legal aid systems, the development of guidelines and training sessions for lawyers to provide child-friendly legal assistance, an advocacy brief on a set of minimum criteria for lawyers working with children suspected or accused of crimes, the establishment of a child justice jurisprudence database and child justice clearinghouses (a concept to

<sup>3</sup> Further information available at: <https://tdh-europe.org/en>.

<sup>4</sup> Further information available at: <https://www.dei-belgique.be/>.

<sup>5</sup> Further information available at: <https://aadh.fr/>.

<sup>6</sup> Further information available at: <https://www.pilnet.org/>.

<sup>7</sup> Further information available at: <https://www.defenceforchildren.nl/>.

<sup>8</sup> Further information available at: <https://www.tdh.ro/en>.

<sup>9</sup> Out of the €855,140.79 allocated to this project, 90% was funded by the European Commission and the remaining 10% was funded by the organisations composing the project’s consortium.

be further developed in the continuation of this article), national and international advocacy events, and finally, a study visit for lawyers.

Additionally, in line with the project's fourth and overarching objective of child participation and empowerment in the context of access to justice and legal assistance, a digital tool was created for children who are in contact with the law. This tool was collaboratively designed with input from children participating in the CLEAR-Rights Child Advisory Boards (CABs) in France, Hungary, and Romania. These CABs composed of children were established based on a concept from 2018 that resulted in the publication of guidelines on the operation of CABs.<sup>10</sup> In the Access to Justice projects implemented by Terre des hommes Regional Hub in Hungary, CABs composed of children were established to offer them a platform for their voices, and have influence on project implementation, drawing inspiration from the "Lundy Model of child participation."<sup>11</sup>

At the end of CLEAR-Rights, the project partners wished to measure and analyse the change brought to the target groups. This led to an independent external evaluation conducted by Marine Braun, co-author of this article. The objective was to analyse overall project performance, gather lessons learnt and strengthen action and accountability towards the donors and project's beneficiaries.

The evaluation involved comprehensive literature research, supplemented by interviews with both adults and children aimed at gathering their perspectives. Representatives from all five project partners were involved in the evaluation, alongside 18 professionals and seven children.

Based on the findings, it is valid to affirm that CLEAR-Rights successfully attained the four intended objectives during its implementation. This paper will delve into the achieved outcomes across three chapters: "Knowledge and Cooperation", "Impact on Children: Participation and Empowerment", and "What comes after the first impact?". The present article will conclude with a brief final reflection.

## KNOWLEDGE AND COOPERATION

The starting point of CLEAR-Rights was to comprehend how things were unfolding in each of the partner countries. Consequently, a desk review of practices and gaps in their legal aid systems was carried out.<sup>12</sup> One of the particularities of

<sup>10</sup> Facilitators manual: Guidelines to enhance child participation and work with youth on child advisory boards.

<sup>11</sup> Lundy, L. (2007), 'Voice' is not enough: conceptualising Article 12 of the United Nations Convention on the Rights of the Child. *British Educational Research Journal*, 33: 927-942, available here: <https://bera-journals.onlinelibrary.wiley.com/doi/abs/10.1080/01411920701657033>, last accessed in September 2023.

<sup>12</sup> GRAZIANI, Laurene. CLEAR-Rights European review of practices and gaps in legal aid systems for children, 2021. Produced in the framework of the CLEAR-Rights project, co-funded by the Justice Programme of the European Union (2014-2020). Available at: <https://childhub.org/en/child-protection-online-library/clear-rights-european-review-practices-and-gaps-legal-aid-systems-children>

the project was that not only did the countries have different legal aid systems for children, but also their implementation of European legal assistance standards had different degrees of implementation and they had very diverse associations with *pro bono* work.

Hence, the review was grounded in desk research conducted both at national and European levels. It also drew on consultations with legal professionals in the five countries. The research assessed the overall accessibility and quality of legal aid for children in conflict with the law. It also examined the capabilities and training needs of state-funded legal aid lawyers, as well as, when existing, *pro bono* lawyers. Based on the identified gaps and promising practices, recommendations were formulated.

Despite the different systems, a general observation was that legal aid for children in conflict with the law was available. However, the lawyers offering this kind of service weren't necessarily experts in child justice or children's rights and were even less knowledgeable in child-friendly practices or communication. Another significant challenge was the lack of funding; during consultations, overwhelmed and underpaid lawyers emerged as a recurring theme, even in apparently well-functioning systems such as the Dutch system.

Overall, there was a lack of mandatory and regular training on child justice or children's rights. Moreover, in certain rural areas of Hungary and Romania, lawyers were largely not accessible to children in conflict with the law, or significantly lacked the necessary skills to provide adequate assistance.

These findings oriented the development of two main outputs of CLEAR-Rights: the *Quality Standards for legal assistance for children suspected and/or accused: a step-by-step guide*<sup>13</sup> and the *training curriculum for lawyers working with children in conflict with the law*<sup>14</sup>. Additionally, these findings guided the establishment of the CHILD-Lex database<sup>15</sup>, a unique platform with European and international jurisprudence and legal factsheets related to child justice and children's rights.

The first document contains a list of fourteen standards serving as key values/principles for lawyers representing or advising children in conflict with the law. This is followed by a subsequent section featuring a step-by-step guide which offers precise instructions to lawyers on how to provide legal assistance to

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<sup>13</sup> HUNGERBÜHLER, Lea. Peace of Mind Afghanistan. Quality Standards for legal assistance for children suspected and/or accused: a step-by-step guide. Produced in the framework of the CLEAR-Rights project, co-funded by the Justice Programme of the European Union (2014-2020). Available at: <https://childhub.org/en/child-protection-online-library/clear-rights-quality-standards-and-step-step-guide-legal-assistance-children>

<sup>14</sup> CLEAR-Rights - Training for lawyers who work with children suspected or accused of an offence: a guide for trainers. Available at: <https://childhub.org/en/child-protection-news/clear-rights-training-lawyers-who-work-children-suspected-or-accused-offence-guide-trainers>

<sup>15</sup> CHILD-Lex Database on child friendly justice. Available at: <https://www.cfjnetwork.eu/child-lex>



children. This guide was found particularly useful by the professionals interviewed during the final evaluation. They found its practical approach beneficial, citing specific instances of its use and dissemination. For instance, a Hungarian lawyer mentioned *"I used it in my oral defence at a trial and I am more determined to be a good communicator with my clients (reference to child-friendly communication), also I presented the guide to future police officers at the police academy in Budapest when I was giving training."* (Interview, dated 14.12.2022).

Another important point concerning these resources is their online accessibility through various channels. We can find them on the Child Protection Hub interactive platform for professionals<sup>16</sup>, on the Child-Friendly Justice European Network's website<sup>17</sup>, as well as on the project's partners websites. Furthermore, the professionals involved in the project who were interviewed were well-acquainted with where to locate these materials.

The developed training curriculum included modules focused on child justice, the role of the lawyer for children in conflict with the law, child-friendly communication, concepts of child and adolescent psychology/development and strategic litigation. The thematic varied from country to country and the modules were adapted to each national context. Across all countries, the training sessions reached a total of 169 participants. Out of the 148 lawyers who responded to the evaluation form circulated by the project's consortium after the training, the majority were practicing lawyers (97.69%), with most of them working under state-funded legal aid (86.15%) and/or as *pro bono* lawyers (42%).

Many lawyers who participated in the various training courses held in Belgium, France, Hungary, and Romania indicated that they gained new insights. However, they are not yet able to definitively assert that their practice has changed, as they were already aware of the issues addressed in these courses prior to participating. A Dutch Appeal Court Judge remarked that: *"what changed is my knowledge on what children need and how far you can go there. But I am not sure it changed my way of acting on it."* (Interview, dated 03.01.2023).

Nevertheless, most of the interviewed lawyers and other professionals conveyed that the training sessions enriched their knowledge and, in some instances, even changed their way of thinking. Indeed, a Belgian lawyer remarked that the module concerning the psychological development of children and adolescents *"brought new arguments to convince me that I need to have a relationship of trust with the young person and be accessible to him/her"* as a lawyer.

*"I found it (training) very interesting. At the Brussels Bar Association, there are a lot of trainings organised that insist on the importance of reaching out to young people and that it is important to be the spokesperson of the child. But in DCI's training session you understood better how indispensable it is."* (Interview, dated 19.12.2022).

<sup>16</sup> Available at: <https://childhub.org/en>.

<sup>17</sup> Available at: <https://www.cfjnetwork.eu/resources>.

A lawyer who participated in the training sessions held in Romania expressed that thanks to the project and the sessions, she learned how to put into practice theoretical things that she already knew from the Romanian legislation. She asserted that her practice had changed a little bit, as she was now able to gain a better understanding of the children's expectations. *"I realised that I have to take time to listen to them and understand their problems. I think this project has helped me a lot."* (Interview, dated 14.12.2022).

Based on this information, the generated materials, and the insights shared by professionals involved in CLEAR-Rights, it is evident that numerous projects' activities have contributed to positive changes in the capacities and attitudes of legal practitioners. However, the full extent of these changes and their long-term sustainability cannot be appraised within the present article. More time will be needed.

In the context of the analysis provided, CLEAR-Rights undertook various activities that significantly bolstered its "cooperation" dimension. A total of 276 professionals participated in the project's national and regional advocacy events, which served as platforms for the exchange of best practices and the establishment and strengthening of relationships across different sectors within child justice systems. The training offered to lawyers additionally fostered increased synergy among child justice practitioners.

For instance, in Belgium, informal cooperation agreements were forged via email with two different bar associations (Brussels and Nivelles) with the purpose of extending a training of three modules (of their choice) from July to September 2022. A representative from Avocats.be (the overarching body for all Belgian French-speaking bar associations) interviewed during this evaluation expressed the wish to sustain collaboration with DCI Belgium in the future regarding training endeavours. He stated: *"there is a willingness to work together and relay information about training and tools. There are obvious synergies between our organisations, and we want to continue to cooperate in the future."* (Interview, dated 17.01.2023).

Another positive development of the project was the creation and reinforcement of two "Clearinghouses"<sup>18</sup>: Pro Bono Children Europe<sup>19</sup> (created and

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<sup>18</sup> Clearinghouses are an access-to-justice matchmaking service for NGOs and pro bono lawyers. On the two CLEAR-Rights Clearinghouses, PILnet and ACTED work with individuals and independent nonprofit organizations to help them pinpoint their legal needs and connects them through its global legal network with pro bono lawyers who have the relevant skills and expertise to help. Pro bono support comes in many unexpected shapes and sizes, and, contrary to popular perceptions, usually takes place outside of the courtroom. Pro bono projects fall into four broad categories: Legal Advice and Advocacy; Legal Research; Legal Analysis and Drafting; and Legal Training.

<sup>19</sup> Available at: <https://www.pilnet.org/pro-bono-children-europe/>.

led by the CLEAR-Rights partners PILnet and *Alliance des avocats pour les droits de l'homme*) and a pilot "Clearinghouse" for children in Romania<sup>20</sup> (operated by the Romanian NGO ACTEDO<sup>21</sup>). These platforms aim to serve as a bridge connecting civil society organisations seeking legal assistance or guidance related to child justice or children's rights, with lawyers who are willing to provide their assistance *pro bono*, free of charge. As described on the Pro Bono Children Europe (PBCE) website<sup>22</sup>, Clearinghouses have the potential to "advance child-centred justice by convening and promoting cooperation and exchange among clearinghouses, lawyers and NGOs, including facilitating long-term partnerships or collaborations on specific projects". It is strongly believed that the establishment of these new mechanisms will amplify collaboration and cooperation initiatives between NGOs and lawyers, along with their professional organisations.

During an interview conducted for the final evaluation on 14 December 2022, a Romanian lawyer said:

*"It was through the project that I learned about the network of pro bono lawyers for children. I registered with ACTEDO as a pro bono lawyer for the children's clearinghouse. So, it was through the new clearinghouse in Romania that I was then contacted to represent a child suspected of a crime."*  
(Interview, dated 14.12.2022).

Another significant facet of CLEAR-Rights' cooperative efforts was the three-day study visit organised by DCI Belgium in Brussels. The visit was attended by 15 lawyers from Hungary and Romania, affording them the opportunity to gain a precise comprehension of child justice in Belgium. The programme offered meetings with justice professionals, key stakeholders, and field visits. At the end of the visit, all participants unequivocally stated that the exchanges they engaged in with their fellow professionals would increase their willingness and potential for future collaborations and cooperation initiatives with peer professionals from other countries in the field of justice for children in conflict with the law.

Concluding the analysis of CLEAR-Rights in the fields of knowledge and cooperation, the present article will now delve into an exploration of how children were integrated into this project and the benefits stemming from their participation. These benefits encompass their personal growth, the project, the enrichment experienced by the professionals involved, and the broader implications for the evolution of child justice in Europe.

<sup>20</sup> Further information available at: <https://actedo.org/en/the-pro-bono-network/#section-56-66>.

<sup>21</sup> Further information available at: <https://actedo.org/en/home-2/>.

<sup>22</sup> <https://www.pilnet.org/pro-bono-children-europe/>.

### IMPACT ON CHILDREN: PARTICIPATION AND EMPOWERMENT

Within every project implemented by the Access to Justice programme of Terre des hommes Regional Hub in Hungary, a notable component is the CABs. Composed of children and youth, the primary purpose of CABs is to offer children a dedicated platform for expressing their voice and opinions to appropriate receptive audience, thus exerting a tangible influence on project implementation. This approach finds its roots in the Lundy Model,<sup>23</sup> a framework renowned for fostering child participation. The methodology of CABs was developed in 2018 and led to publication of a Facilitator's Manual to enhance child participation and work with youth on CABs.<sup>24</sup>

The Lundy Model of Child Participation, which serves as an inspirational source for the CAB methodology, conceptualises Article 12 of the United National Convention on the Rights of the Child<sup>25</sup> and presents four pillars for a child-centred model of participation:

4. SPACE: Children must be given the opportunity to express a view.

VOICE: Children must be facilitated to express their views.

AUDIENCE: The view must be listened to.

INFLUENCE: The view must be acted upon, as appropriate.

Through CLEAR-Rights, CABs were established in France, Hungary, and Romania. It is important to highlight that the project's original intention was to engage with 30 children within CABs, spanning a total of 24 meetings. However, reality surpassed expectations significantly, with a total of 68 children actively participating in the three CABs, involving 32 meetings – marking an overachievement of over 120%. Among these children, 38 were girls and 30 boys, aged from 11 to 23 years old.

<sup>23</sup> Lundy, L. (2007), 'Voice' is not enough: conceptualising Article 12 of the United Nations Convention on the Rights of the Child. *British Educational Research Journal*, 33: 927-942.

<sup>24</sup> Gruber, A., et al. (2018), 'Facilitator's Manual, Guidelines to Enhance Child Participation and Work with Youth on Child Advisory Boards', *Alternative Ways to Address Youth*, JUST/2015/RCHI/AG/PROF/9589, available here:

[https://childhub.org/sites/default/files/library/attachments/facil\\_web.pdf](https://childhub.org/sites/default/files/library/attachments/facil_web.pdf), last accessed in September 2023.

<sup>25</sup> United National Convention on the Rights of the Child, 1989, Art. 2, available here: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>, last accessed in September 2023,

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Throughout these 32 CAB meetings, CLEAR-Rights aimed to put into practice the principles developed by Professor Laura Lundy<sup>26</sup>. Firstly, the CAB meetings provided the space for children to express their views with the support and guidance of expert facilitators in child participation. In that regard, the children's testimonies bear particular significance: *"We had two mentors and they were amazing, they always made sure we were comfortable. We could express what we felt, there were no rules to follow, and we could really be ourselves."* Another child added, *"I agree with her, we were always listened to. When we had an opinion about something, they made sure to listen to us."* (Interview with Hungarian girls, dated 20.01.2023). In Romania, two young men testified, the first one said: *"I was influenced by the attitude of the facilitator; her kindness improved my positive feeling and willingness to participate in the CAB meetings and project"*. The second said: *"inside the detention centre, many things should be changed. My participation in the meetings convinced me to take over the role of the facilitator in the future and to help the young people who are still in the centre."* (Interview, dated 12.12.2022).

Children from the CABs also had the opportunity to participate in national, regional, and international advocacy events. In doing so, they exerted an influence over an audience of professionals, presenting their views and perspectives on children's rights and the provision of legal assistance for children in conflict with the law. In addition to this, they actively contributed to the development of numerous child-friendly materials<sup>27</sup>.

Furthermore, CAB members actively participated in the training of lawyers during CLEAR-Rights. One of the Hungarian girls who engaged in the training in Hungary expressed the following:

*"I was so happy to be in the training. It was so good to feel that the adults were excited to know how you feel as a child. We did a lot of role-playing and gave feedback to the participants so that they could improve their behaviour or realise what they were doing well or not so well. They listened to you and wanted to know your opinion as a child. I felt empowered by the fact that I had something to say."* (Interview, dated 19.01.2023).

<sup>26</sup> Lundy, L. (2007), 'Voice' is not enough: conceptualising Article 12 of the United Nations Convention on the Rights of the Child. *British Educational Research Journal*, 33: 927-942.

<sup>26</sup> Gruber, A., et al. (2018), 'Facilitator's Manual, Guidelines to Enhance Child Participation and Work with Youth on Child Advisory Boards', Alternative Ways to Address Youth, JUST/2015/RCHI/AG/PROF/9589, available here:

[https://childhub.org/sites/default/files/library/attachments/facil\\_web.pdf](https://childhub.org/sites/default/files/library/attachments/facil_web.pdf), last accessed in September 2023.

<sup>27</sup> All the materials are available at: <https://childhub.org/en/child-protection-news/clear-rights-child-friendly-materials>.

To further foster child participation, the CLEAR-Rights team partnered with a company, Mind of My Own<sup>28</sup>, in co-producing an application with children from France, Hungary, and Romania. This innovative app was designed with the goal of enriching the understanding and the quality of legal assistance services throughout Europe. Indeed, the CLEAR-Rights app aimed to empower children receiving legal assistance by allowing them to express their views, wishes and feelings promptly and conveniently. It also sought to enable the service provider (whether state-funded legal aid or *pro bono* service) to improve the quality of their services. Although this application provided an evaluation of the legal assistance service, its true purpose was to improve the system. By providing insight on how to better tailor the training of legal professionals on legal assistance for children and by gathering information on child-friendly communication techniques, it aimed to ensure the meaningful participation of children when involved in criminal proceedings.

Mind of My Own conducted three co-production sessions with children and young people from the CABs in Hungary, Romania and France from November to early December 2021. These sessions yielded very positive outcomes, as young participants actively shared their views and experiences. Facilitators from each country delivered the sessions using the materials provided by Mind of My Own through a digital workshop using a Miro Board, integrating interactive games, creative design, ranking exercises, as well as voting and polling activities. Children and young people from each country invented characters to facilitate the secure sharing of their personal journey narratives, views and feelings, followed by short debriefs at session conclusions.

Drawing from the feedback provided by children and young people, alongside input from professionals, the final prototype of the app was tailored and made available in their respective local languages. The last page of the app also directs users - children and young people - to country-specific information and supplies an emergency response number should a child or young person need urgent support.

Subsequently, the app was piloted in France, Hungary, and Romania with 199 children<sup>29</sup>. The AADH (Alliance of Lawyers for Human Rights in France), Tdh Hungary, and Tdh Romania, approached bar associations and child protection services directly to introduce this tool to the children they work with. No personal data was collected, and the app was developed in strict compliance with the EU GDPR rules.

The young people expressed their pleasure to see that their opinion was taken into account during the development of the app. They believe that the application

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<sup>28</sup> Further information available at: <https://mindofmyown.org.uk/>.

<sup>29</sup> Further information on the piloting results available at: <https://childhub.org/en/child-protection-news/my-legal-support-results-clear-rights-application>.

will encourage and inspire many children and young people in contact with criminal law to voice their opinions, an otherwise challenging endeavour. In addition, this tool offers a means for professionals to grasp the viewpoints of young people easily and effectively, facilitating adjustments in their professional work.

In summary, CLEAR-Rights was identified as an inclusive and participatory project concerning children, yielding positive results for those involved.

### WHAT COMES AFTER THE FIRST IMPACT?

Overall, the project was successful in achieving its general and specific goals. CLEAR-Rights successfully trained 169 lawyers, marking a significant milestone. The majority of the lawyers and other professionals interviewed as part of the external evaluation confirmed that the training sessions not only improved their knowledge but also instigated shifts in their perspectives.

Furthermore, from a European standpoint, the project boasts considerable value. All the meticulously crafted training materials from the project are available here<sup>30</sup>, free of charge. Additionally, the CHILD-Lex Database<sup>31</sup> is hosted by the Child-Friendly Justice European Network<sup>32</sup>, ensuring its sustainability, replicability and enhancement in Europe over the coming years.

Based on the information shared here and the results of the CLEAR-Rights final evaluation, it can be concluded that the voices of children were truly heard within this project. Evidently, the project has had an immensely positive impact, both on the children themselves but also on all the direct and indirect beneficiaries of the project.

Furthermore, the final evaluation found that the project's advocacy and awareness-raising events increased the understanding of decision-makers and relevant actors on the subject. CLEAR-Rights paved a way for potential future cooperation initiatives between NGOs and professional organisations, all aimed at improving the accessibility of quality legal assistance for children. Notably, these events were attended by 276 participants. Moreover, a series of six webinars, organised within the project, attracted the participation of an additional 279 participants.

Finally, the project was designed with the intent of providing sustainable results and practical tools for professionals (including lawyers), organisations of professionals, NGOs, children themselves, and all stakeholders active in the child justice system. This comprehensive approach was aimed at achieving the project

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<sup>30</sup> <https://childhub.org/en/child-protection-news/clear-rights-training-lawyers-who-work-children-suspected-or-accused-offence-guide-trainers>.

<sup>31</sup> CHILD-Lex Database on child friendly justice, available at: <https://www.child-lex.cfjnetwork.eu/>.

<sup>32</sup> <https://www.cfjnetwork.eu/>.

objectives, with a focus on improving the implementation of child-friendly practices through meaningful interactions with professionals, and concurrently contributing to the shift in culture among lawyers representing children in the legal aid and *pro bono* systems.

According to the current analysis, most of the activities implemented by the project have produced results that exhibit potential for sustained impact beyond its implementation.

## CONCLUSION

At the heart of this achievement lie innovative ideas that have reshaped the landscape of justice for children. The CABs stand as living proof of the wisdom in embracing children's perspectives, shaping actions, and hopefully implementing future policies that have a profound impact on their lives. The CLEAR-Rights app, a result of a collaborative process between adults and young individuals, has bridged the gap between the legal world and those seeking guidance, giving children and young people the means to navigate the complexities of the legal system.

However, while celebrating these accomplishments, it is equally important to highlight the substantial efforts of the project partners: the dedicated organisations that came together to bring CLEAR-Rights to life. Working tirelessly within tight constraints of time and resources, their commitment has produced results that extend beyond the scope of this project.

Unfortunately, the current landscape of funding and fixed-term projects often compels NGOs and civil society actors to make compromises that hinder their missions.

As such, it's time to turn our gaze to the future. The legacy of CLEAR-Rights must resonate as a call for enduring change, a commitment to establish uninterrupted funding that reflects the importance of the rights it defends. Such commitment would ensure that projects like CLEAR-Rights don't end with their initial impact, and that children's rights would remain an unwavering priority. As we know, the conclusion of the CLEAR-Rights project is not an end, but a prologue to a future where justice listens, children's rights thrive, and success is defined not just by past achievements, but by the lasting impact of such projects.

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## GENDER-BASED VIOLENCE IN SCHOOLS IN ROMANIA

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### ABSTRACT

The article presents the results of a mixed-method study undertaken in Romanian public schools on the incidence of violence and gender-based violence (GBV) in children aged 11-15. In this regard, we underline the importance of social and gender norms affecting the perpetration and protraction of violent behaviour amongst children, as well as the importance of differing perception biases affecting the understanding and prevention of violent behaviour within the institutional setting. Using quantitative and qualitative methods, we identify differing typologies of perpetrators and victims, as well as how cultural and social norms provide a baseline identification with certain types of violence, when the element of gender is taken into consideration.

**Keywords:** *children, gender-based violence, social norms, gender norms, social frames.*

### INTRODUCTION

In an environment where the voices of children are all too infrequently While gender has been extensively studied as representing a factor of significant influence when providing explanations for human behaviour, there is still a need to understand how it intimately influences negative behaviours in children, especially considering that any deviant behavioural pattern acquired within the developmental stage stands a much better chance of being exhibited all throughout their life. Adjacentlly, while violent behaviour is a topic of much heated debate, especially

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within the context of criminology (Kruttschnitt, 2013, pp. 291-308), conflict studies (Summerfield, 1997, pp. 3-15) or international relations (Blanchard, 2003, pp. 1289-1312), there is also a need to understand how more pervasive, trans-generational forms of violence are propagated through society *in absentia* of an open conflict, constructs of state power or explicitly criminal activity. In addition, school violence is a widespread phenomenon in Romania, as signified by multiple studies in recent years (Bucur, et al., 2020, p. 2); (Salvați Copiii, 2016, p. 10). In 2020-2021, there were 3,899 independent primary and secondary schools in Romania, and nearly a half of the school population (45.5%) were enrolled at this level (Institutul Național de Statistică, 2021, p. 1). This is an institution in which children aged 11-15 spend a minimum of 5 hours/day, enrolment in school being obligatory for all children, and in which it is mandatory to look at the prevalence of violent behaviour and its larger causative context. In order to develop preventative or restorative measures which ensure the safe and appropriate development of this vulnerable category, this study aims to: a) quantify violent behaviour by degrees of severity along a differential axis, b) understand how much of the behaviour was impacted by pre-existing gender norms surrounding male/female roles as socially and culturally constructed in Romania, and c) explore how perceptions of gender roles influence adults and children in dealing with cases of violence within the school institution. These three areas of investigation will allow us to develop tailored and targeted interventions.

Gender is defined as the concept which describes socially constructed differences between women and men throughout their lives. Gender, along with factors such as age, race and class, influences the attributes, behaviours, roles, power, needs, resources, constraints and opportunities which a given society expects its members to have (World Health Organization, 2023, p. 1). Additionally, gender is an analytical tool that allows us to better understand compounding vulnerability factors (Save the Children, 2023, p. 1), especially when taking into consideration the social frame it sets. Gender norms refer to the beliefs or expectations of society about what a man or a woman are expected to do in each situation or context, as well as what is approved or disapproved of in their behaviour (Cislaghi & Heise, 2019, p. 2). These norms are pervasive across all cultures, dependent on context and perpetuated trans-generationally through families, peer groups and formal settings. Gender stereotypes refer to a generalised view or preconception about the attributes, characteristics, or roles that women and men should fulfil (OHCHR, 2023, p. 1). These become harmful when they limit the ability of an individual to develop their personal skills, pursue professional acumen and/or make basic choices about their lives. To be accepted by peers and to avoid victimisation, many young people carefully adhere to gender role expectations (Delara & Garbarino, 2001, p. 53). The Gender Assessment Report from Romania reveals that the population-level perception of gender roles is still a traditional one (World Bank Group, 2018, p. 50). Romania tends to be out of step with the rest of

the EU in terms of attitudes related to gender-based violence (GBV), one study showing that only 74% of Romanians consider violence against women to be unacceptable and that it must be punished, compared to 96% in the rest of the EU. 32% of Romanians have stated that domestic violence is a problem which should be solved privately, within the family. In general, GBV is a serious problem in Romania, where 32% of women have reported being victims of sexual abuse. Physical and sexual violence affects approximately 30% of young women over the age of 15, but only 23% of victims reported such incidents.

GBV can have countless negative effects on the victim, on family and society. Behavioural patterns related to GBV are transmitted from one generation to another, violence becoming a right of the aggressor and a habit of the victim, turning abuses at the individual level into an immutable and unchangeable reality for many people (Bonea, 2020, p. 13). Therefore, in early adolescence, gender role expectations play an important part in shaping the strategies which young people adopt for fitting in and being accepted. Adolescence is a key point in the development of children, being able to achieve successive degrees of psychological maturation, with youth benefitting from a greater level of neural plasticity than adults. During this critical period, any intervention which seeks to bring about change has the greatest chance of success, benefiting from their intrinsic ability to re-model themselves according to better examples provided and implemented solutions, thereby negating or minimising the influence of some negative formal or familial environments (Eliot, 2021, p. 75).

## METHODOLOGY

Within the situational analysis of the schools involved, we conducted 30 focus groups of a minimum of 2.5 hours in 15 schools in Olt, Gorj, Dolj, Bacău counties and the Bucharest Metropolitan Area, 15 with students aged 11-15 and 15 with teachers from each school, including school management, between September–November 2021. We had a particular focus on rural schools, since they are underrepresented in studies concerning this topic and focusing on urban settings limits the data pool and possibly skews perception, as there are more resources available and a higher socio-economic level surrounding and within those schools. We collected information regarding incidences of violent behaviour, split amongst four categories: 1) Physical Abuse; 2) Bullying; 3) Cyberbullying; 4) Harmful Sexual Behaviour. In the analysis stage, all information was anonymised and acts of violence were centralised separately according to the category of respondents, namely teachers or students, as well as by gender. Each school received scores ranging from 1-3 for each category of behaviour, depending on the level of severity, in the following way: 1) low; 2) medium; 3) severe. To analyse the profile of victims and perpetrators, recurring elements were identified and

coded; the tracked elements have an intersectional character, being sometimes mentioned in reference to the same student, which posed an added layer of complexity. Children were invited to express their level of agreement with 24 statements which covered: 1) Witness Perspectives, 2) Gender Perspectives, 3) Perspectives on Violence, 4) Other Statements Referring to Youth Violence. We had a total of 113 student respondents. Teachers had to express their level of agreement with 17 statements that covered: 1) Gender Perspectives, 2) Perspectives on Violence, 3) Other Statements Related to Youth Violence. We had responses from 78 teachers. Participants were afterwards invited to guided discussions by the researchers, focusing on experiences of violence within the school and the effect of gender on behaviour.

The limitations of this study include: 1) a small sample of respondents, by comparison with the number of students and teachers in Romania, which cannot contain the full scope of experiences regarding school violence; 2) limited access to schools has meant limited access to regions, which is why this study cannot fully take into account regional variability with relation to causes and effects of school violence; 3) there is a limited ability to generalise based on the current data pool, which may not be fully representative of the broader population of schools in Romania; 4) the fact that it is a snapshot study might not capture changes in the prevalence or nature of school violence over time. For these reasons, further inquiries would be necessary, with bigger sample sizes and with representation from all areas of the country.

### **VIOLENCE AND GBV IN SCHOOLS**

Referring to the types of violence present in Romanian schools from the perspective of the children, physical violence, harmful sexual behaviour, and bullying are the most prevalent types of violence identified. In terms of the degree of severity, physical violence is predominantly manifested in the medium level classification, meaning that students often commit bodily assaults using punches or body shots. The severity of harmful sexual behaviour is identified as medium and is found most often in the form of intentional, unwanted, but time-limited touching. Bullying can be found in both medium and low severity. From the examples given by teachers, the most prevalent type of violence is low-level bullying, followed by low-level physical abuse. Cyberbullying, both in the perception of students and teachers, is not as common. However, cyberbullying is identified by both groups, but in different proportions and showing different degrees of severity, with children identifying more cases of cyberbullying than teachers. According to our analysis, physical violence occurs mostly amongst male children. It was also noted that children give more concrete examples of how violence occurs in schools than do teachers, as well as a higher frequency of events, which shows a decoupling

between their perceptions. Concerningly, the analysis reveals that sexual violence (harmful sexual behaviour) happens almost exclusively against girls, with almost no boys being identified in the entire cohort who had been subjected to this type of violence.

Within the 15 schools, we discovered that violent behaviour is an almost daily occurrence. A pattern was detected regarding the places in the school where children feel safe, but also those where they feel vulnerable: places such as the toilet, on the stairs, in the hallway, in the school yard were marked as unsafe:

*“I feel the safest during classes, and the most insecure, in the hallway, outside and in the bathroom (...) they try to get on top of you in the toilet to laugh at you, some boys come in on the girls and look at you under the door.”* (student)

Children felt most safe in the classroom during lessons or in sports class, with the mention that these places are supervised by teachers or that adults are present.

The aspects which determine whether peers intervene or turn to parents or teachers to report a case depend on the seriousness of the case or the interaction between students, friends and/or family: *“We don’t tell teachers because this will make a bigger scandal out of it”* (student). A reason for why children do not disclose it to their parents when they are a victim is the inability of some parents to manage conflicts when they are informed. Many children specified that they are scolded by their parents in such situations or that they are told to solve the issue by themselves. Other reasons cited were the shame of being a victim or, in specific cases of harmful sexual behaviour, the fear of being labelled a “slut” or “whore”. The mistrust exhibited by children towards some teachers appears to be the result of experiential learning, having seen similar cases being mishandled. Some teachers force them to apologise to the victim in front of the class, which has a connotation of public humiliation of the perpetrator, demonstrating a lack of understanding of restorative practices and is commonly used to constitute the ultimate solution to the instance of violence itself, which might serve to further spur them on onto other episodes of violence, to awash themselves of shame.

Familial and psychosocial factors were recurrently identified as causes for violent behaviour amongst perpetrators: *“Children become violent when they lack attention from their loved ones. They are inhibited and they try to get attention through violence.”* (teacher). When it comes to family, the following causes were highlighted: 1) domestic violence; 2) neglect (emotional, physical); 3) disadvantaged socio-economic backgrounds; 4) substance abuse in the home; 5) single parent families or disorganised homes. As regarding psychosocial factors, they were: 1) need for attention; 2) emotional instability/volatility; 3) impulsivity (particularly related to hormonal changes); 4) low self-esteem; 5) jealousy. There

were also other causes identified, regarding the larger social context within which children operate: 1) mass-media or social media; 2) disadvantaged geographical areas; 3) entourage / peers.

With respect to victims, the analysis detected two broad categories, namely “facile” and “different”, which encompass the different typologies of children who would become victims; those from the facile category were represented by shy or meek students, who could not or would not fend for themselves, while those from the different category were constructed based on the perception of difference from the norm (weight, height, status, ethnicity, religion, familial background, behaviour, way of dressing). In particular within poor communities, being different could concomitantly be seen as a strength (for example, through status exposure, having better clothes than your peers) and as a weakness (coming from a disadvantaged background and having worse clothes than those around you).

#### **VIOLENCE AND GBV AMONGST BOYS – PERCEPTIONS OF MASCULINITY**

The analysis revealed that in almost all schools, cases of physical abuse between boys were exemplified, readily and easily, by both children and teachers: beatings or hitting – “*One kid hit another with his head against the bench*” (student) – violent games with high stakes, punches or tearing clothes or physical property are in most cases a daily occurrence. Since low-level bullying is the most common form of violence in schools, boys get bullied if they are perceived as “girly”, are mocked based on their familial background, such as parents having gone abroad, ethnicity, the existence of domestic abuse, their financial status, and humiliation is used as a form of control. Virtually no boys reported being victims of cyberbullying or harmful sexual behaviour.

The portrait of an ideal boy, as constructed by both children and adults, is defined by power, and operates based on dominance and strength. It is considered that “boys should solve their own problems” and that “boys should not ask for help” were recurring elements identified by children. Physical aggression between boys is normalised by both teachers and students, seen as a necessity and rite of passage at this age, particularly getting from pre-pubescence into actual puberty: “*boys fight because they are boys*” (teacher), “*it’s acceptable to hit boys*” (student). There is also a connection made between physical fitness or prowess and ability to fight or fight back in case of attack, which includes the use of physical violence, even when they are the perpetrators, and not acting in self-defence. The use of swearing and targeted profane language amongst boys is generally accepted, and particularly encouraged if they need to display force or appear intimidating. Because the perpetuation of male stereotypes denoting strength and aggression are interpreted and constructed in contrast to female attributes, this restricts the ability of boys to express their feelings; crying or showing emotion (widely accepted



amongst girls) denotes a lack of masculinity, and this was mentioned multiple times during the focus groups, with one case being notably telling:

*“They laugh at boys who cry. For example, we had a case, a boy from our class, his mother died and often when there were topics about the mother, he could cry, and the boys laughed that he was crying and did not understand his situation. More often the girls intervened and told the boys to stop.” (student).*

Boys can also be targets if they show no interest in drinking alcohol or smoking, if they do not get involved in sports, if they wear accessories or if they have long hair. Teachers in particular displayed rigorous adherence to rigid gender stereotypes, especially regarding the appearance of a man: *“No earrings, bracelets, rings, painted nails, you are no longer a man if you wear such things”*; *“The colours of clothes (pink, red, light blue) is not for boys”*; *“If a boy puts cream on his face or dresses up more like a girl, he’s judged”*. While the masculine profile is mostly built in terms of its ability to employ force and show strength, boys are also highly conditioned by the expectation that they behave like “gentlemen”. Concomitantly with their willingness to engage in violent behaviour, they should also embody the archetype of the knight, being chivalrous, settled and well behaved. This is also part of the reasoning for which, declaratively, physical violence against boys is accepted, whereas physical violence against girls is not, since they are more fragile and cannot *“take a beating”*. The only area where that does not seem to apply is when it comes to harmful sexual behaviour. This dichotomy can be very confusing for young boys and has the potential to entrench a set of behaviours which become more and more difficult for one to disavow themselves from as they age.

Teachers perceive that some of the behavioural attributes of boys are causally related to how they are raised by their parents; for instance, if girls are more protected, *“boys are left to fend for themselves”*, and are therefore prone to develop and exhibit violent behaviours earlier and with more intention. There was virtually no commentary on how the school environment or how teachers themselves are responsible for the vectorisation of violence between boys, or how misapplied corrective measures are in fact helping to strengthen these behaviours, therefore creating, and maintaining a pattern which transfers itself through adolescence into adulthood.

Thus, the analysis revealed that the construction of masculinity, beginning earlier than the age of 11 but already in motion by that point, contains problematic elements and is riddled with references to capacity for violence: either physical, verbal, or emotional. While it is not inherently wrong to tie masculinity to the notion of strength or power, this becomes questionable when the very reality of it is rooted in or predicated on the dominance of others through violence, as well as on the inhibition, or self-censorship, of the real self. When certain behaviours are

normalised within this broader context, it implies a quiet acceptance at the individual level of a construction of reality which effectively demands from a boy to be able, willing, and even desirous to be violent to fit the prerequisite of simply being a boy, or even becoming a man. Most problematically, it was observed that, at this age group, boys are already overrepresented in the category of perpetrators for harmful sexual behaviours. Our findings are supported by research in multiple other countries, showing that violent and anti-social behaviour amongst boys has its roots in childhood (Jewkes, Jordaan, Myrntinen, & Gibbs, 2020, p. 14) and that there is an association between being the perpetrator of bullying in early middle school and being the perpetrator of sexual harassment in later middle school (Espelage, Basile, De la Rue & Hamburger, 2015, p. 7).

#### VIOLENCE AND GBV AMONGST GIRLS – PERCEPTIONS OF FEMINITY

We observed that the type of violence which is almost exclusively directed towards girls is harmful sexual behaviour, both of low and medium severity. The use of unsolicited sexual comments and vulgar addresses referring to body parts or sexual acts are particularly widespread. In addition, girls are often touched against their will, in most cases receiving slaps over their behind and sometimes being touched in private areas. Girls are also victims in almost all the cyberviolence exemplified in the focus groups. The most frequent cases subscribe to situations in which girls are harassed on social media, where pictures of them are distributed, often edited, or manipulated. Many such cases contain a sexual component, with the pictures or videos showing nudity or displaying sexual acts.

The most frequently mentioned stereotypes about girls, identified by both students and teachers, were the following: a) girls must be protected by boys; b) girls are obedient and good; c) girls ask for help; d) girls are delicate, not aggressive; e) girls have good grades, are calm; f) girls can cry; g) girls must be submissive. What emerges from these stereotypes is a portrait with predominantly submissive, or at least passive, attributes, of a person defined by their docility and meekness in relation to the general society. Thus, characteristics or behaviours which are opposed to this portrayal of girls are sanctioned. For example, assertive girls or those who stand out in the group come into conflict with other students. They revert to derogatory gender stereotypes, such as *“when the girl wanted to assert herself, a boy told her to go home to the kitchen”* (student). Most acts of GBV against girls are based on their physical characteristics, targeting the way they look, either in relation to a perceived standard of femininity or as the subject of sexual aggression: *“If girls are not taking care of themselves, they are mocked”* (student). Thus, if comparatively a girl is more developed, taller, shorter, thinner, or more corpulent, she can become a victim. If a girl wears clothes which are too revealing, that can be perceived as an invitation for mocking or even touching: *“If*

*a girl wears a short skirt, boys give her nicknames and make fun of her.*” (student). Both girls and boys contribute to this cycle, with girls often drawing attention to the clothing style of other girls, inviting the boys to pay attention to it too.

The most frequent types of violence against girls which were identified are: 1) bullying (low level); 2) harmful sexual behaviour (medium level); 3) physical violence (low level). The teachers, on the other hand, identified only bullying (low level) as predominant. During the focus groups, it was quite clear that teachers were nowhere near as aware as the students of the many cases in which girls were victims of physical violence or harmful sexual behaviour.

The most prominent aspect identified in discussions with students and teachers was the degree to which female bodies are sexualised, beginning at a very young age. The body comes to be objectified, possessing no private boundaries. From the situations narrated by students and teachers, it is very common for a girl to be slapped on her behind, and often this behaviour is normalised by phrases such as *“this is how boys know to show a girl that they like her”*. Teachers attribute these behaviours to age-specific hormonal fluctuations, especially when discussing 7<sup>th</sup> and 8<sup>th</sup> grade students (13–14-year-olds), and sometimes blame the female students, pointing out that if her outfit “calls for it”, then there will inevitably be conflict: *“If the girl’s outfit calls for it, then there are comments and reactions. For example, a young lady who wears a more sober outfit, will not get those jokes from the boys.”* (teacher). Violent behaviours against girls are also excused as a form of love; some of the teachers explain harmful sexual behaviours perpetrated by boys as a way of showing that *“there is a lot of love for girls”* (teacher). Girls reported that they are bothered by these behaviours.

There are also many instances in which girls are the perpetrators themselves, although there is a clear preference for forms of violence which limit themselves to verbal and emotional violence, as opposed to physical violence. For example, the use of gossip to undermine the reputation of another peer, the use of insults meant to denigrate and the manipulation of social situations to ensure that someone is ostracised or is the victim of collective bullying, are used more frequently than punches or body shots. However, multiple cases were reported where girls also engaged in deliberate physical violence, sometimes against boys where they capitalised on the masculine expectation that boys should not hit girls to get away with it. In several cases, we noticed that girls had also internalised the expectations set upon them by their community, being the ones to chastise or even castigate other girls for not conforming to the expected standard.

Our findings with regards to girls fall in line with other research in the field which shows that girls are twice as likely to report victimisation in cases of cyberbullying than boys. This research also shows that negative mental health outcomes and violent behaviours are more pronounced in boys (Alhajji M, 2019, p. 5), and that there is a consistent association between GBV and composite measures of mental health, symptoms of depression, post-traumatic

stress and eating disorders in girls (Grose, Roof, Semenza, Leroux, & Yount, p. 2). In between the ages of 11–15, children are going through the rapid onset and exponential progress of puberty. They are exposed to feelings and sensations which they do not yet understand and that they cannot control, because their cortex and frontal lobe are not yet fully developed. Sexual attraction is a new feeling for them, and they are unfamiliar with healthy norms or consent. Adolescents are naturally self-centred and may believe that applying pressure is an appropriate way to get what they want (Child Mind Institute, 2022, p. 1), whether that pressure is expressed through unwanted touching or derogatory labelling. Since girls are overwhelmingly in the victim category for harmful sexual behaviour, comprehensive sex education is necessary, to allow adolescents to express their needs and desires with full consent and in full knowledge of the boundaries of other people, most especially (but not only) the physical ones.

### CONCLUSION

The present study has aimed to analyse the prevalence of different types of violence within school settings in Romania in the 11–15 age group, a critical period in child development, where social behaviours are adopted by adolescents as they become more influenced by out-of-home environments. We were able to identify the following: 1) school violence is a widespread phenomenon, affecting all children (whether perpetrators, victims, or bystanders); 2) typologies of violent behaviour differ based on gender; 3) gender stereotypes have an influence on the perception of violence in both students and teachers. The present study falls in line with other research on the topic and substantiates the claim that tailored interventions are needed in pursuance of dealing with this phenomenon. The element of gender is highly consequential on whether a child experiences violence of a sexual or non-sexual nature, on whether enduring physical violence is expected or not of them and on whether adults intervene to help or rather further stigmatise the victim and/or enable the perpetrator. This study is one of very few of its kind looking at the situation of schools in Eastern Europe, an area named as “of interest” to multiple organisations working in the field of gender equality and/or prevention of violence (UNICEF, UNHCR, Plan International, Terre des hommes), especially given the slow degradation of public protection measures in the past two decades, as well as the defunding of critical areas of government and mismanagement of public policies in Education, Health and Child Protection. Given all of this, prevention of violence in schools through comprehensive, integrative, and targeted programs should be treated as a public health priority.

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# ADVANCEMENTS IN RESTORATIVE JUSTICE FOR CHILDREN AND YOUTH: OUTCOMES OF THE i-RESTORE PROJECTS IN ALBANIA, GREECE, ESTONIA, ROMANIA AND THE NETHERLANDS

CECILIA POPA<sup>1</sup>

## ABSTRACT

This article outlines the outcomes, present state, and strategies for progressing toward a more restorative society as demonstrated by the i-RESTORE projects. Within the justice system, restorative justice has been found to decrease re-offending rates by as much as 27%, and it often leaves victims feeling content with the process. In educational settings, restorative practices promote respect among students, facilitate conflict resolution, and address issues like bullying and school violence. In the community, mediation services serve as a valuable resource, illustrating how individuals can independently resolve their conflicts with the guidance of skilled professionals. The i-RESTORE 2.0 project, executed between 2022 and 2024, extends the work initiated during the first phase of the i-RESTORE project, which took place from 2019 to 2021. Phase I concentrated on encouraging the adoption of restorative justice in cases involving child victims of crime and enhancing the skills of justice professionals. Building upon the achievements of the initial project, i-RESTORE 2.0 was developed with the aim of advancing even further, striving to establish accessible and high-quality restorative justice procedures for children who come into contact with the justice system. Up to this point, the two projects have influenced more than 8,000 individuals, heightening their understanding of restorative justice processes. Furthermore, through project initiatives, over 500 justice professionals and policymakers have improved their competencies and expertise in the realm of restorative justice, while over 80 children and young people have been empowered to actively contribute to the promotion of restorative solutions..

**Keywords** *restorative justice, child victims, child offenders, i-RESTORE.*

## INTRODUCTION

As an approach to justice that focuses on the needs and rights of the victims, the motivations of the offenders and the role of the community, restorative justice facilitates a proactive attitude to preventing harm as well as

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ensuring that people are responsible for their choices and actions and can be held accountable for them (European Forum for Restorative Justice, 2018). Restorative justice is a process in which the child offender, the victim (only with his or her consent) and, when appropriate, other members of the community, actively participate together in the resolution of matters arising from the offence (ECOSOC Resolution, Basic Principles in the use of restorative justice programmes in criminal matters, 2002). Restorative justice takes the child's responsibility seriously and by doing so, it can strengthen the child's understanding of the human rights and fundamental freedoms of others, and in particular of the victim and others affected by a conflict or a crime. Restorative justice becomes, therefore, the mechanism through which a range of potentially powerful drivers of behavioural change may come into effect, and this applies to situations involving child victims as well. Indeed, as stated by a 17-year-old girl from Romania who is an active member of an i-RESTORE Child Advisory Board run by Terre des hommes: "*If you want to evolve, yes, you go for restorative justice.*" (Interview with Ruxandra Dorobanțu, 2021).<sup>2</sup>

According to Thematic Area 4 on Child-Friendly Justice of the European Strategy on the Rights of the Child (2020-2024), the European Commission recommends that Member States create strong alternatives to the judicial process, ranging from options other than detention to the utilisation of restorative justice and mediation. The EU Strategy on Victims' Rights (2020-2025) recognises the role of restorative justice to achieve the first objective of the Strategy itself, namely *empowering victims of crime*. Article 12 of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012, establishing minimum standards on the rights, support and protection of victims of crime (Victims' Rights Directive), has provided restorative justice in Europe with a more solid position and a clear victim orientation.

And so, in 2018, Terre des hommes in four delegations – Romania, Greece, Albania, and Hungary – in partnership with two reputable and leading European organisations on matters of restorative justice (European Forum for Restorative Justice and Restorative Justice Netherlands), has submitted a project proposal to the European Commission, which was subsequently approved. The project proposal, *Better Protecting Child Victims Rights through Restorative Justice*, also called i-RESTORE,<sup>3</sup> focuses on three target countries – Romania, Greece and

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<sup>2</sup> European Forum for Restorative Justice, 'My Perspective on the Need for Restorative Justice', available here: <https://www.euforumrj.org/en/my-perspective-need-restorative-justice>, last accessed in September 2023

<sup>3</sup> Terre des hommes, "i-Restore: Protection of child victims, with the help of restorative justice," available here: i-Restore: Protection of child victims, with the help of restorative justice | Terre des hommes | Fundatia Terre des hommes Elvetia (tdh.ro), last accessed in September 2023



Albania. Due to its excellent results, i-RESTORE 2.0<sup>4</sup> – *For Accessible Quality Restorative Justice processes for children in contact with the law in Europe* – was drafted in 2021 to continue the efforts. This time, the project added two new partners, Social Insurance Board in Estonia and HALT in the Netherlands, and focused on four target countries: Romania, Greece, Estonia and the Netherlands.

### THE RESULTS OF i-RESTORE PHASE I

The i-RESTORE project, now referred to as i-RESTORE 1.0, was implemented between September 2019 and November 2021, following a three months no-cost extension from the original project end date of August 2021 owing to disruptions caused by COVID-19. The main *objective* of the i-RESTORE project was to promote the use of restorative justice in cases involving child victims by improving knowledge amongst national stakeholders on child victim-friendly restorative justice and by empowering children to advocate for the better protection of child victims.

The main project activities included the following: a review of knowledge/practices/capacities in restorative justice and child victims; consultations with policymakers and practitioners on restorative justice and child victims; consultations with children to engage them in advising on restorative justice and child victims; adapting e-learning and face-to-face training material on restorative justice; training professionals on restorative justice and child victims' rights; engaging children through Child Advisory Boards to train them on restorative justice and child victims' rights and to empower them to advocate for the protection of child victims; child-led national awareness-raising campaigns and advocacy events on restorative justice and child victims.

Overall, the project was successful in meeting its general objectives and reaching its results, but several critical factors played a foundational role in ensuring its ongoing continuation.

First, children *appreciated the concept of restorative justice and its potential benefits*. The interviews conducted with children (as part of the State of Play in Romania) revealed that some of them had never heard of restorative justice before, like in Romania for example. Children and youth accused of a crime said they felt “*a restorative meeting allows for discussion and growth, that through such a meeting they could apologise to the victim.*” They also mentioned that “*a bad person can walk on good footprints, and that it is good to learn from mistakes.*” (Popa 2020, p 46–47).

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<sup>4</sup> Terre des hommes, “i-RESTORE 2.0: Accessible Quality Restorative Justice processes for children in contact with the law in Europe,” available here: i-RESTORE 2.0: Accessible Quality Restorative Justice processes for children in contact with the law in Europe | Terre des hommes | Fundatia Terre des hommes Elvetia (tdh.ro), last accessed in September 2023

Second, practitioners in the region are keenly interested in *creating spaces for knowledge sharing and the exchange of best practices* on this subject. Professionals in the i-RESTORE countries indicated that they are eager to learn more about restorative justice and child-friendly ways of working in criminal cases where children are involved. Over 1,170 participants registered to the project's European Conference on Child-Friendly Restorative Justice<sup>5</sup> in May 2021 and over 410 professionals registered to the nine national trainings conducted, but only 157 could participate in the training due the limited available spaces.

Third, there is a *significant demand for increased investment in enhancing professional capacity*. The feedback gathered from training participants, including judges, prosecutors, social workers, probation officers, and professionals from the educational sector in Albania, Greece, and Romania, indicates that only 18% of respondents expressed a high level of comfort in utilising restorative circles and restorative conferences, while just 30% expressed a similar level of comfort with mediation. i-RESTORE provided a foundational training on restorative justice to introduce fundamental concepts and principles. However, it is evident from these statistics that there is a pressing need for further skill development and confidence-building.

Fourth, *the efficacy of restorative methods in reducing recidivism has been substantiated*. Based on interviews conducted with children in Greece as part of this State of Play review, approximately 80% to 90% of students who participated in peer-to-peer mediation stated that they did not experience conflicts with their peers again following the mediation process (Papaioannou et al., 2020).

Fifth, providing *essential information about restorative justice to both children and practitioners is of utmost importance*. Based on the internal evaluation report (not published), detention staff in Romania who participated in the training programme indicated that they were impressed to find out about the existence of restorative practices and pointed to the need of the youngster in detention to repair his/her relationship with the victim and with the community in general.

Sixth, *collaboration among various services* dedicated to enhancing the support, protection, and empowerment of children in restorative justice is essential. The recipients of this project emphasised the necessity of raising awareness among authorities about the significance and benefits of employing restorative justice with children in the evaluation report.

And so, i-RESTORE 2.0 was born to further address the *accessibility* of restorative justice for children. Accessibility will be increased by expanding investments for practitioner capacity building, by utilising opportunities presented

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<sup>5</sup> Terre des hommes, "i-RESTORE European Conference on Child-Friendly Restorative Justice", available here: [i-RESTORE European conference on child-friendly restorative justice | ChildHub - Child Protection Hub](#), last accessed in September 2023

by a robust mutual learning approach centred on cross-border twinning arrangements, by ensuring children are empowered to evaluate restorative justice procedures, and by bolstering knowledge in this field. We can also broaden the group of crucial stakeholders who must recognise their vital roles in facilitating effective and accessible restorative justice processes for children.

## WHAT IS NEXT IN i-RESTORE PHASE II

i-RESTORE 2.0 commenced in October 2022 and is bound to end in September 2024. The overall objective of i-RESTORE 2.0 is to *enhance accessibility to high-quality restorative justice processes for child victims and children suspected and/or accused of crime in Europe*. The right to access restorative justice includes a duty to inform and support, as well as the availability of trained professionals offering, preparing for and, if agreed to by the parties, facilitating the restorative justice process. This will be implemented through: 1. *Building the capacities* of national practitioners in Romania, Greece, Estonia and the Netherlands to address issues relating to the rights of child victims and suspected and/or accused of crime when involved in restorative justice processes; 2. *Increasing knowledge sharing* amongst EU justice actors and the community about access of child victims and children suspected and/or accused of crime to quality restorative justice processes; and 3. *empowering* child victims and children suspected and/or accused of crime to be agents to play a meaningful role when involved in restorative justice processes.

The novelty of this second phase is the introduction of the twinning arrangement element between two countries with a practice of restorative justice, such as Estonia and the Netherlands, and two countries still undergoing developmental processes on restorative practices, such as Romania and Greece. In this second phase, Romania is twinned with Estonia and Greece with the Netherlands.

So far in the project, the consortium team has managed to run four rapid needs assessments resulting in two main reports, part of the twinning arrangements component. The main points concluded in the Romania versus Estonia report (Johanson and Balica, 2023) were:

- In Romania:
  - The Mediation Law (Law 192/2006) was in need of amendments;
  - Professionals highlighted the legislative gaps in the criminal proceedings, including the absence of a distinct mediation procedure, enforcement regulations, mechanisms, and interagency collaboration for cases involving children in contact with the law – these gaps pose challenges to effective intervention in such cases;

- Only a minority of the interviewed professionals acknowledged the existence of institution-specific general methodologies, procedures, and work programmes for working with children and young individuals;
- A series of needs were identified, such as the necessity to provide training for professionals working with children, training specialised professionals in child-related fields, expanding the adoption of good practice models like Local Intersectoral Teams<sup>6</sup>, engaging children in evaluation processes, developing shared methodologies, and increasing access to information on restorative justice.

- In Estonia:

The Social Insurance Board's Victim Support Department<sup>7</sup> in Estonia is presently offering restorative justice services, employing various restorative justice approaches such as mediation, conferencing, restorative meetings, and restorative circles;

The utilisation of restorative justice is significantly influenced by specialists' awareness, knowledge, beliefs, and guiding principles, indeed, to bring about enduring change, a well-structured training system rooted in practices and experiences is essential;

Greater emphasis should be placed on engaging young people in decision-making processes and soliciting their feedback, particularly after the measures have been implemented.

The main points concluded in the Greece versus the Netherlands report (Wolthuis & Stentoumi, 2023) are:

- In Greece:

It is essential to develop a manual or protocol of best practices for restorative justice applicable to all professionals working with children;

The recording of poor practices should prompt intervention by the Ministry of Justice;

Regular restorative justice training should be provided to police, lawyers, public prosecutors, and probation officers nationwide;

Empowering children to have knowledge about their rights, particularly in legal encounters, is crucial to foster the implementation of restorative justice;

Fostering interdisciplinary collaboration among well-informed professionals and conducting frequent training sessions with European colleagues is vital.

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<sup>6</sup> Local Intersectoral Teams (Echipele Intersectoriale), under the National Authority for the Protection of Children's Rights and Adoption (ANPDCA), have been developed where different institutions assign one person to be a part of the team and they work together to solve cases. The members of these teams intervene directly and activate mechanisms from their own institution (police, hospitals, gendarmerie, Public Prosecutor's Office, etc.).

<sup>7</sup> Social Insurance Board, Republic of Estonia, "Victim Support", available here: [Victim Support | Sotsiaalkindlustusamet](#), last accessed in September 2023.

- In the Netherlands:

- A diverse array of restorative interventions is available from various providers, however, restorative services are not universally accessible, leaving some individuals who could benefit from them without access;
- The primary types of restorative justice presently utilised in criminal cases include the Halt programmes<sup>8</sup> for young first-time offenders, mediation within criminal cases, and mediation outside of criminal cases; restorative justice can be applied in various scenarios, including for all types of offenses, involving all parties, and at any point throughout the criminal justice process;

To achieve a lasting integration of restorative justice within the realm of criminal law, it is necessary to establish a more comprehensive and well-defined legal framework encompassing existing restorative justice provisions, including mediation; potential expansion can be achieved by incorporating restorative conferences<sup>9</sup> and by developing and implementing an extensive form of restorative justice, known as maximalist restorative justice<sup>10</sup>, which goes beyond the traditional restorative justice provisions and includes restorative sanctions;

Efforts should be intensified to enhance the accessibility of restorative justice services for all parties involved – this includes widening the availability of various restorative justice measures and increasing the presence of organisations and professionals dedicated to restorative practices.

These reports have led to the development of two roadmaps – one per each twinning arrangement – that will serve as the foundation for future collaboration between the paired countries. This collaboration will manifest through study visits, webinars, exchange of expertise using mirroring and simulation exercises and involving professionals from the twinned countries.

Another successful result of this phase II was the update of the e-learning course on restorative justice with children,<sup>11</sup> now available in seven languages. In August 2023, following a rapid assessment of the e-course's outcomes for the year

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<sup>8</sup> HALT Stichting, available here: [Halt. Iedere jongere een kansrijke toekomst – Halt](#), last accessed in September 2023.

<sup>9</sup> Restorative Conferences or Restorative Conferencing is a practice or format of restorative justice based on community justice principles.

<sup>10</sup> The maximalists of restorative justice believe that punishment and coercion (such as a measure of reparation, or other measures associated with the criminal justice) has a restorative role. It is believed that offenders need a structure and can participate in repairing the harm they have caused. Therefore, a maximalist restorative justice is seen integral and can transform the criminal justice system.

<sup>11</sup> i-RESTORE 2.0. – E-learning course in 7 languages on restorative justice with children | ChildHub - Child Protection Hub

2023 alone, 176 trainees successfully completed the course. Following this e-course, a series of three sets of face-to-face training courses (basic, advance, and Training of Trainers) will follow in Autumn 2023 in each of the four countries.

In May 2023, an advocacy event took place in Bucharest, Romania, to celebrate the launch of this second phase of the project. During this event, international experts from the UK, the Netherlands, Estonia, Italy and Belgium invited Romanian policymakers and professionals for a discussion on restorative justice in the criminal justice system, restorative approaches in schools, and a child-centred justice system.<sup>12</sup> Two upcoming advocacy events, building upon the results of the event in Bucharest, are scheduled to be held in Athens, Greece, during the Spring of 2024, and in Brussels, Belgium, during the Autumn of 2024.

Moreover, the project has so far managed to involve 40 children and young people to empower them in playing a meaningful role in advancing efforts on restorative justice. These children and young people are building four awareness-raising campaigns to run until the end of the project in the four target countries, as well as develop a digital assessment tool that will respond to the needs of children in judicial proceedings and how to avoid the risks of implementing de-humanising solutions and being harmful to children.

A series of important reports, guidelines and policy briefs will be concluded as part of this project, such as:

- *Guidelines for professionals to conduct restorative justice with children:* This manual/toolkit will be a step-by-step guide with information on what restorative justice with children means in practice, as well as tools, resources, protocol templates that professionals can use in their respective countries;
- *How-to guide for Twinning Arrangements:* A methodology will be prepared for setting-up twinning arrangements in the area of restorative justice with children, based on the results of this project;
- *Learning from the field on restorative intervention:* Based on the experience of the project, a report will be drafted to highlight the lessons learned from professionals in the four twinned countries;
- *Policy Brief on Budgeting for Restorative Justice:* Following deliberations within the four Policy Working Groups<sup>13</sup> established in each target country, as well as drawing upon the insights and expertise from more experienced countries in the field of restorative interventions, a policy brief will be

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<sup>12</sup> "Towards Restorative Justice in Romania" – conclusions of i-RESTORE 2 project launching conference | Terre des hommes | Fundatia Terre des hommes Elvetia (tdh.ro)

<sup>13</sup> The role of these Policy Working Groups is to gather policy makers to have them endorse implementation progress on restorative justice front and encourage them to become advocates of this topic within their national governments.

formulated; this brief will encompass aspects such as budget allocation and improving accessibility to restorative justice for children;

- *Media Toolkit on how to communicate about restorative justice:* The Toolkit will be drafted to raise awareness, spread favourable attitudes and encouraging messages, thus portraying restorative justice for children positively;
- *Storybook on the awareness circles conducted in schools in Romania, Greece, Estonia and the Netherlands:* It will include learnings and promising practices shared in the restorative circles in schools.

Collectively, to date, the two projects have impacted over 8,000 individuals, raising their awareness of restorative justice processes. Additionally, over 500 justice professionals and policymakers have enhanced their capacities and skills in the field of restorative justice through project activities, and over 80 children and youth have been empowered to be a driving force in the change for restorative solutions.

## CONCLUSIONS

These two projects have showcased great success in building an appetite for alternative intervention in criminal procedures in countries where restorative justice is in its first stages of development, but also in shaping a longstanding desire in mainstreaming restorative justice in countries more experienced with these practices.

As observed during the first four years of implementing the i-RESTORE projects, three additional steps need to be taken to make further progress.

The first step concerns the *legislative front*. In Greece, for example, there is still considerable work to be done in this regard. Even though there is an established legal framework mandating the use of restorative justice across all domains, it is scarcely employed in civil and commercial cases and entirely absent in criminal proceedings. In Romania, another country where the concept of restorative justice is just now taking shape, there is potential for progress given the legislative framework on mediation established in 2006, although the professionals see it as outdated and call for amendments.

The second step focuses on *awareness-raising*. Professionals and policymakers are reticent to embrace something they do not fully understand. Embedding the concept of restorative justice in different fields of expertise, such as justice, education, and child protection, it is crucial to rely on in-depth understanding of what restorative justice entails, its operational mechanisms, associated costs, the roles of various stakeholders, potential advantages, as well as the associated risks. During these two phases of the project, the capacity building

of professionals increased and a network of trained professionals was set-up. Despite the present ineffective approach to handle child delinquency as well as deal with child victims, there still remains a notable reluctance to embrace restorative justice. This reluctance primarily stems from societal and professional norms that continue to favour retributive justice through traditional court processes, as well as institutional inertia.

Finally, the third step focuses on *piloting a restorative intervention*. In Romania for instance, professionals primarily associate restorative justice with mediation, a practice that is currently viewed with scepticism. Therefore, there is a clear need for practical interventions that exemplify restorative values and principles. Feedback from awareness circles held in schools, involving teachers, students, and school administrations, underscored the importance of professionals witnessing practical demonstrations of restorative justice in action.

The second phase of i-RESTORE 2.0 is currently in its mid-term phase, and ongoing data collection is in progress. One of these outcomes is to achieve consensus amongst policymakers and professionals in these four countries regarding the path forward. This will involve establishing Memoranda of Understanding that can serve as a foundation for the third phase of implementation through an i-RESTORE 3.0.

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# PRECISION: A COMPREHENSIVE REINTEGRATION APPROACH FOR CHILDREN AND YOUTH DEPRIVED OF LIBERTY IN ROMANIA

BOGDAN BORS<sup>1</sup>

## ABSTRACT

The PRECISION project (Promote Rehabilitation, Empowerment of Children and Support for Youth Offenders) was implemented by Terre des hommes Foundation in Romania across the four detention facilities for children and youth, has significantly improved the prospects of 225 children and youth deprived of liberty for successful reintegration into society. This multifaceted programme focused on training staff on child-friendly practices, engaging the young detainees in psychosocial activities, a mentoring programme and vocational training. The qualitative analysis of the project shows that it effectively enhanced the perceived wellbeing, psychosocial competencies, reintegration knowledge and skills, and vocational capabilities of its beneficiaries. The training of detention staff in the COPOSO and Movement, Games and Sports methodologies has led to transformative shifts in staff attitudes and behaviours, promoting empathy, calmness, and positive role modelling. The introduction of psychosocial activities has empowered children and youth to develop crucial life skills such as teamwork, emotional intelligence, adaptability, and self-confidence. The mentoring programme has played a pivotal role in guiding incarcerated youth towards personal and professional growth, fostering self-awareness, and inspiring positive change. The vocational training component has equipped the youths with practical skills and instilled values of self-discipline and independence, enhancing their employability. PRECISION serves as a compelling model for preparing children and youths deprived of liberty for a successful return to society, highlighting the significance of holistic support in facilitating their reintegration journey.

**Keywords** *children and youth deprived of liberty, social and professional reintegration, psychosocial activities, mentoring program, vocational training.*

## INTRODUCTION

*PRECISION* (Promote Rehabilitation, Empowerment of Children and Support for Youth Offenders) was a pilot project implemented by the Terre des hommes Foundation (TDH) in Romania designed to create and implement a

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reintegration model for Romanian children and youth deprived of liberty. PRECISION was implemented in partnership with the National Administration of Penitentiaries and four detention and educative facilities for children and youth (Târgu Ocna and Buziaș educational centres, Craiova and Tichilești detention centres) between 2020–2022. The project was financed<sup>6++</sup> by the *MEDICOR Foundation* and co-financed by *În Stare de Bine* and *Foundation Botnar*. The project assisted approximately 225 children and youth in the four detention facilities in Romania (which represents half the number of all the children and youth in detention centres in Romania).

PRECISION's reintegration model was constructed around a nexus of three main points: 1. increased psychosocial wellbeing and psychosocial capabilities achieved through training the detention staff on child-friendly practices and the organisation of psychosocial activities; 2. reintegration knowledge and skills facilitated via a mentorship programme; 3. access to the labour market via insertion abilities, vocational training and a mapping of employers. The results of this innovative approach are illustrated with a qualitative assessment via a series of focus group discussions (FGDs) organised with various stakeholders.

The results of the PRECISION project offer a model of good practice and inspiration for facilitating the successful reintegration into society of children and youth deprived of liberty (Terre des hommes Romania, 2022). By focusing on psychosocial wellbeing and capabilities, mentorship, and vocational training, PRECISION has laid the groundwork for these individuals to lead more positive and fulfilling lives upon their release from detention, lowering their potential for recidivism. This successful model underscores the paramount importance of involving multiple stakeholders, such as the detention staff, trained mentors, and even local employers to collectively contribute to the wellbeing, rehabilitation, and future prospects of the youths.

### IMPROVED DETENTION STAFF PRACTICES

To enable the detention staff to contribute positively to the personal development and social reintegration of the youths, they were trained on Young in Prison's *COPOSO: Contributing Positively to Society* (Gerhlein, 2014) principles and TDH's *Movement, Games and Sports* (MGS) methodology (Terre des hommes Romania, 2023).

COPOSO is grounded on the values of positivity, creativity, equality, inspiration, transparency, and honesty. Young in Prison shared from their eight years of experience in working on a personal level with young people and providing high energy workshops. The 50 participants from the four juvenile detention centres engaged in discussions and brought practical examples of ways in which they involve children and youth in various activities, and then received

personalised support through 18 coaching sessions. MGS is an informal methodology of education that aims to develop the professional and personal competences of the animator to increase the psychosocial and emotional abilities of children and youth. The MGS training was delivered to 30 detention centre staff and was followed by three coaching sessions per juvenile detention facility. The TDH trainers found that the participating staff members are *“willing to contribute with their energy and experience to changes for the better, people who can inspire and influence others for the better in their area of action.”* (Child Protection Hub, 2021a).

To better understand the impact of the COPOSO and MGS methodologies on the staff’s practices and behaviours, a series of FGDs was conducted at the end of the project in each of the four juvenile detention centres with PRECISION staff beneficiaries (five to seven staffs per FGD/ per centre). They were broadly asked about what they remember from the training sessions and how they were influenced by them. The staff generally remembered the COPOSO principles, especially once they were given a few examples. When they were asked what the most important principle in their work is and how they apply it, the staff members chose very different options, but generally showed that young people are always at the heart of the activities they organise. Moreover, the entire staff showed a deep understanding on how their behaviour affects the youths, demonstrating that they are always trying to integrate COPOSO principles, particularly in their manner of interacting with the young detainees.

The participants in the FGDs generally found that the main learning from the COPOSO trainings and coaching sessions was how their behaviours and attitudes affect the children and youth and made them be more considerate and thoughtful in their interactions, be they one-on-one discussions or organised group activities. When asked about the previous practices they found unfit after the COPOSO training and coaching sessions, the staff confessed that sometimes they had lost their temper or patience, did not regulate their own emotions properly, or used an unfit tone in their conversations with the youths.

Within the same FGD, the impact of the MGS training and coaching sessions was discussed in connection with newly adopted practices and attitudes in terms of daily practices and child-friendly behaviours. The main shift for the trained staff was acknowledging the potential of sports activities for educational purposes, particularly for enhancing cooperation and collaboration between children and youth. In practice, they started integrating MGS transversal elements in other activities they implement in the detention centre, particularly participatory principles, the practice of explaining from the beginning the objectives of each game/activity, using energizers in the beginning, and implementing feedback or debriefing sessions at the end.

Overall, when asked about the best practices they adapted through all the activities with TDH through PRECISION, the staff mentioned increased empathy

towards the children and youths, a higher sense of calmness through the recognised importance of self-regulating emotions, the importance of showcasing good behaviours and practices in the newly accepted capacity of role models, offering the detainees more spaces to vocalise their opinions and encouraging them to express themselves, and achieving educational outputs through sports.

In a separate series of FGDs with children and youth (five to seven children and youth per FGD/ per centre), the greatest majority agreed that the staff practices had improved, offering supporting examples. The discussions highlighted that the detention staff demonstrated an improved grasp of the children and youth's needs, showcasing heightened empathy towards them. As per the testimonials of children and youth, the staff's approach has shifted noticeably, characterised by increased understanding, friendliness, and a commitment to building rapport: *"they are more understanding, friendlier and generally happier around us"*, *"they are not as rigorous as before, they spend more time getting to know us,"* (Children and youth testimonials, 2022). This transformation reflects a deliberate departure from previous practices, with an emphasis on building connections, fostering a more positive atmosphere, and gaining a deeper understanding of the individual circumstances of the children and youth in the juvenile detention centres.

#### PSYCHOSOCIAL ACTIVITIES

During two sets of online and in-person FGDs organised in each centre (five to seven children and youth per FGD/ per centre), the participating youth were asked various questions on how they felt during and what they learned from the psychosocial sport activities implemented by the detention staff trained on MGS. Most importantly, the participating children and youth showed a great capacity for self-reflection by being able to describe the various emotions they felt during the final debriefing sessions. Indeed, they spoke about the initial frustration they felt while adapting to the new rules of the games, as well as the enjoyment they experienced when exploring new ways to collaborate, when learning new skills, and by being given an opportunity to express themselves.

The children and youth played various psychosocial games like kick tennis, where the participants must first serve the ball to their teammate, and only then could they send it to the opposite side of the field. In the beginning, the young people felt frustrated to lose the advantage they felt they had and the opportunity to score, but changed their opinion by the end of the activity, as one participant explained:

*"In the beginning, the staff explained the rules for playing kick tennis, and they were different from what we knew. At first, we didn't like it, we didn't really understand why we weren't allowed to hit the ball directly into the opponents'*

*court and had to pass it to another teammate. But then we adapted to the new rules and realised that it's nicer to play as a team and it's important that everyone is involved. You have to understand and respect your teammates in order to win. It's been a long time since we've had so much fun together."* (Children and youth testimonial, 2021).

Soon enough, the children and youth who participated in MGS activities realised that the focus of the game is no longer on who is the star of the team, or "the goal-getter", which is what they were used to, but on how well the team functions and on how much each team member is valued. In the end, they realised that the game gained in dynamism and team spirit by playing it this way. This was an important achievement, as children and youth were forced to play in teams with peers they didn't like or considered weak.

The youths at the detention centres expressed their delight in the fresh experience of the psychosocial activities, primarily because these games introduced new rules that required them to reevaluate what they already knew. They found it intriguing that none of them possessed prior knowledge of these games, which levelled the playing field and fostered a sense of equality among them. This newfound sense of equality encouraged them to collaborate with different people which is a dynamic that was less prevalent in the typical games they usually engaged in.

The children and youth particularly valued the elements of competition and collaborative teamwork fostered by the MGS activities. While the competitive nature of the games effectively heightened the players' motivation, it also imparted a significant lesson: irrespective of the ultimate victor, the most crucial aspects were that the young individuals engaged in an enjoyable activity together: *"After the activity, our mood changed completely. Even those of us who lost and were upset, we still felt good in the end. We all won; after all we played together and learned new things."* (Children and youth testimonial, 2021). In the end, they all considered themselves winners through this shared experience.

The element of teamwork made the young people realise the importance of working together with their teammates. In addition, the young people mentioned the pleasant feeling of being encouraged from the sidelines by their teammates:

*"We played relay, and one of the challenges was to stay on one leg as long as possible. We were cheering from the sidelines and supporting the last teammate who was still standing on one leg. He told us in the end that he lasted over half an hour precisely because we supported him! His confidence grew because the rest of us supported him!"* (Children and youth testimonial, 2021).

Some children thus consider that the psychosocial sports exercises increased their self-confidence related to their capacity to adapt and achieve goals.

The children also expressed their fondness for the post-activity debriefing discussions, during which they reflected on the lessons they had learned from the exercises. These discussions led the young participants to conclude that it is crucial to collaborate as a team and support one another, to manage their emotions, and to cope with potential disappointments: *“We were punished if we swore. We learned to control our anger even if we lost, we had to be calm. In the discussion after the activity, we understood what went wrong and how to do better next time.”* (Children and youth testimonial, 2022).

### REINTEGRATION KNOWLEDGE AND SKILLS

To facilitate reintegration knowledge and skills, a mentoring program was set up for 20 children and youths from the Craiova Detention Centre with the support of nine trained mentors, including two young people who had completed their period of detention, and seven volunteers from civil society. The program was designed to help the children and youth deprived of liberty to develop the skills and knowledge they need to live independently after their release from detention. According to the mentorship coordinator: *“During our mentoring meetings, we seek to discover/form our own vision, value and mission, drawing on the life experience of each young person as the main resource of the whole mentoring process.”* (Child Protection Hub, 2021b). The mentoring activities were conducted in an informal format and focused on the following objectives:

- Activating/reactivating social skills: the activities focused on enabling communication, collaboration, involvement, and positive attitude.
- Directing young people towards a personal goal of an educational or professional nature: the activities focused on enabling introspection, discovery of personal potential, and free discussions on topics of interest specific to the age and the present moment.
- Encouraging young people towards an independent lifestyle: the activities focused on enabling orientation towards personal discovery activities, stimulating creativity, and rediscovering personal confidence.

The topics covered in the mentoring activities included working in a team, investigating personal and societal prejudices, increasing self-knowledge and self-awareness, exploring their self-image and personal conflict, setting personal priorities, building personal plans, setting necessary steps to be taken in the process of socio-professional reintegration, exploring opportunities, writing a curriculum vitae, exploring the role of family and developing independent living skills after detention.

The mentoring activities were guided by principles rooted in the belief that rehabilitation and social reintegration can be achieved through active engagement.



As per one of the volunteering mentors, the mentorship scheme was based on the idea that *“a failure, a broken flight, is just an opportunity to learn. And falling down is a motivation to rise higher.”* (Child Protection Hub, 2022). This approach involved encouraging the mentees’ continuous participation and personal involvement in acquiring conscious skills essential for their socio-professional reintegration. Importantly, these activities were deliberately conducted in an informal format, ensuring accessibility and ease of participation for all, regardless of their personal background or educational level.

To qualitatively verify the impact of the mentoring program, two separate FGDs of two hours each were organised with each of the two mentoring groups at the end of the project (ten children and youth per FGD from each group). The participants were asked a variety of questions to assess the success of the mentorship scheme objectives and the personal growth of the participants. The mentees proved to have a great capacity for self-reflection, particularly related to their past mistakes, whilst being able to identify their strong points and formulate optimistic and realistic plans for the future.

When prompted about the actions that lead to their detainment, the mentees took ownership of their actions and identified the specific circumstances which influenced their regrettable actions. Many of them expressed their regret about being a part of a specific group of people that influenced them negatively. Others regretted that they started using drugs, and further on committed actions they wished they never had. Many specified how they regretted not listening to their families in the past or that they neglected them: *“If I had listened to my family, I wouldn’t have had problems with drugs, and I wouldn’t be here now.”* (Children and youth testimonial, 2022). Most importantly, by identifying these risk factors during the mentorship meetings, the participants were able to formulate personal plans to avoid this type of situation once they were released.

The mentees grasped the distinction between circumstantial groups and chosen groups, appreciating the tangible advantages of the latter. In this regard, they acknowledged the importance of collaboration, communication, and asking others for help:

*“In life, we must collaborate with others all the time, because you can’t always succeed in life by yourself. So, we must collaborate with those with whom we resonate. This way we also learn about ourselves by communicating our true self out there.”* (Children and youth testimonial, 2022).

Such realisations also heightened the mentees’ empathy towards others and their desire to offer support.

During the FGDs, the young mentees at Craiova Detention Centre proved that they actively and conscientiously engaged in shaping and pursuing their personal and professional goals. They underwent a transformation in their personal

attitudes towards various self-perceived barriers, becoming more open to acknowledging their potential as a resource upon their release. They developed a clearer understanding of the distinctions between their desired career paths and the positions attainable based on their personal skills. They expressed that through encouragement, motivation, and the cultivation of self-confidence facilitated through the mentorship sessions they elevated their potential.

When asked what plans they have when they get out of the detention centres, the majority had well-established plans both professionally and personally. Many expressed their interest in completing unfinished education, opening their personal business, or studying a specific course that could allow them to work in a specific domain. On the personal side, some of the participants mentioned the desire to be closer to their families or to have their own families after release.

As a result of the mentorship program, many participants confessed that they became more present and self-reflective in the way they act, feeling empowered to be themselves and having the courage to succeed no matter the circumstances. The program also reactivated their blocked or abandoned social skills, and the presence of the mentors made them feel that their time spent deprived of liberty can represent an opportunity for their futures: *"I have discovered that I am actually a good person. I know how to express myself and I speak English. Being here, in the detention centre, actually helped me!"* (Children and youth testimonial, 2022). They learned how to rethink some negative conclusions that they had reached about themselves and changed them with positive thoughts about themselves and their future.

When asked how they compared the mentorship activities with other rehabilitation activities that take place in the detention centre, the mentees stated that they appreciated the personal approach, each youth feeling that the mentorship activities were tailored to their specific needs. They also enjoyed being in touch with the ex-detainee mentors, who understood what they were going through and were able to provide practical advice and act as role models for their future release in society: *"If they could reintegrate successfully into society, then we can too!"* (Children and youth testimonial, 2022). This has influenced a change in attitudes towards their involvement throughout the mentorship activities, slowly coming out of a passive state towards being able to discuss certain topics of an intimate nature and becoming more relaxed when approaching challenging themes and discussions.

The testimonies of the mentees were also corroborated by the mentor coordinator. He observed improved communication skills, a growing self-awareness of both the mentees' potential and limitations, and a clear understanding of when and how to assert their rights. Additionally, from his observations, the mentees displayed heightened personal optimism and increased self-confidence in their abilities, showcasing a reduced tendency to exhibit insecurities around others. They also demonstrated a greater sense of

responsibility for their actions, an improved ability to express their own viewpoints. Notably, the mentees exhibited a readiness to embrace change and a willingness to engage in continuous learning.

## VOCATIONAL TRAINING AND SKILLS

PRECISION supported 91 children and youth deprived of liberty to access vocational training opportunities that facilitate their access to the labour market. They participated in courses focused on digital competences, accessing the labour market, and the most innovative, a course on 3D printing, hosted in TDH's *Fabrication Laboratory (Fablab)* in Târgu Ocna. Additionally, PRECISION created a map with 18 employers in Romania willing to employ and accommodate young people released from Educational/Detention Centres. These employers conducted interviews with released youth, and, as a result, 15 released young people had already found employment by the end of the project.

27 young people passed the exam for the course *Development of digital competences in the use of information technology as a tool for learning and knowledge*, which focused on computer hardware information, computer networking, text editing, spreadsheet calculations, as well as developing presentations and printable documents. 33 young people developed their knowledge and skills for employment on the labour market by participating in the course *Introduction to the labour market and preparation for employment*. They learned how to navigate the labour market, how to make a CV, how to present themselves properly during an interview and how to better understand an employment contract.

The innovative aspect of PRECISION's vocational component was training 30 children and youth from the Târgu Ocna education centre in 3D printing techniques in TDH's Fablab as mentioned above. The Fablab, or Fabrication Laboratory, is a laboratory where people can access a variety of numerical production tools. Thanks to its Fablab, which opened in 2020 in the Technological High School of Târgu Ocna, TDH is able to develop activities that help raise the employability and entrepreneurial skills of participants, with a focus on technical, digital and IT skills for young people.

The trained children and youth deprived of liberty learned about the operating principles of 3D printers over eight sessions they were able to develop 3D graphics using specific software and succeeded in printing their own objects. Afterwards, they participated in workshops where they practiced their newly acquired skills. The Fablab contributed to the development of basic habits and attitudes needed for the young people at the centre, such as self-discipline, practical skills, and digital skills. Thus, the Fablab contributed to their personal and professional development, facilitating their subsequent reintegration into

society. The culture of learning through experimentation was seen as especially important and the young people were encouraged to take on both the role of pupil/novice and teacher for others. Independence, as everyone could work on their own project and idea, and teamwork were encouraged, as well as respecting the discipline.

## CONCLUSION

The PRECISION project, implemented by Terre des hommes Foundation in the four detention facilities for children and youth in Romania, has demonstrated significant positive impacts on preparing the participating children and youth deprived of liberty for their future reintegration in society. Through a multifaceted approach, PRECISION successfully increased the wellbeing of the beneficiaries, cultivated their psychosocial abilities, reintegration knowledge and skills, as well as vocational skills for their reinsertion in society and the labour market.

Training the detention staff in the COPOSO and MGS methodologies reportedly had a positive impact on the detained children and youth. It not only enhanced the staff's understanding of the detainees' needs but also led to a transformation in their attitudes, promoting empathy, calmness, and positive role-modelling.

The MGS psychosocial activities introduced by the trained staff provided detainees with opportunities for teamwork and the development of emotional and social skills. These activities emphasised collaboration over individual performance, fostering skills in teamwork, cooperation, and mutual respect. The children and youth embraced competition while recognising that the most important aspect was their collective enjoyment and learning. Moreover, they gained self-confidence, learned the importance of supporting one another, of managing emotions, and of coping with potential disappointments through post-activity debriefing discussions. Overall, the MGS activities nurtured emotional intelligence, teamwork, adaptability, and self-confidence among the children and youth, preparing them with relevant personal and transversal abilities for their future reintegration.

The mentoring program within PRECISION proved instrumental in guiding the detained youth toward personal and professional growth. Through self-reflection and goal setting, the participants in the mentoring program displayed a shift in attitudes and behaviours, showing a deeper understanding of their past actions and a commitment to positive change. They emerged with clearer career and personal aspirations, armed with increased self-confidence and self-awareness.

PRECISION's vocational training component, including the innovative 3D printing training provided in the Fablab, the digital competence and the access to

the labour market courses, provided essential skills and opportunities for future employment. These courses not only equipped young detainees with practical skills but also fostered a culture of self-discipline and independence.

In sum, the PRECISION project has put forward a holistic model for preparing Romanian children and youth deprived of liberty for successful reintegration into society. By focusing on psychosocial wellbeing and skills, mentorship, and vocational training, PRECISION has laid the foundation for these individuals to lead more positive and fulfilling lives upon their release from detention. Building on this experience, Terre des hommes Foundation in Romania is currently implementing the second phase of the project and is inviting other organisations to draw inspiration in their efforts to support children and youth deprived of liberty worldwide.

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